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JOURNALS OF THE  
CONTINENTAL CONGRESS  
1774-1789

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CONGRESS BY GAILLARD HUNT,  
CHIEF, DIVISION OF MANUSCRIPTS

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## PREFATORY NOTE

The surrender of Lord Cornwallis, on October 19, 1781, and the meeting, in Paris, in the spring of 1782, of Envoys from the United States and England, to arrange terms of peace between the two countries, produced a feeling of reasonable confidence that the Revolution was drawing to a close. Thus the chief problems before the Congress were no longer mainly of a military character. The Army was maintained on a war basis as a precautionary measure, but arrangements were made for its reduction. Here, however, the difficulty which presented itself on every side arose to embarrass the Government. To raise an Army without regular funds with which to pay for it had been a difficult task; but to reduce or disband it without funds to pay for the services it had performed was even more difficult, and might be dangerous as well. General Washington reported to Congress that the Army was becoming very discontented.

A serious incident occurred, which threatened to interrupt the passive attitude of the American and British forces. On April 29 a letter, of April 20, from General Washington was read, reporting that Captain Joshua Huddy, commanding a small body of American troops, had been captured and hanged by Tory refugees in Monmouth County, New Jersey, under Captain Richard Lippincott. Captain Charles Asgill, a British officer of rank equal with Huddy's, a prisoner of war, was selected by lot to suffer the same fate as Huddy, in retaliation. His fate hung in the balance while General Washington and Sir Guy Carleton were in correspondence over the question of the guilt and punishment of Lippincott.



Finally, a letter from Count Vergennes, asking clemency for Asgill, saved him, and he was set at liberty November 7.

As the Government flowed on in peaceful channels, sectional jealousy and maneuvering for sectional advantage began to be visible. The question of the admission of Vermont to the Union was before Congress during the whole year. At first the members had been generally favorable to the admission; but information reached them impugning the purposes and methods of the Vermonters, and caused a change of sentiment. The Southern members, however, believed that the Eastern members wanted to seat a Vermont delegation, so that their section would have additional votes.

The elaboration of the Government, to fit the purposes for which it was formed, progressed during the year. The Post Office was reorganized; the Department of Foreign Affairs was formed; the foreign diplomatic and consular establishment was enlarged. Holland recognized American independence in July; in September Sweden was ready to make a treaty. Various departments of the Army were arranged, and regulations made for the War Department. The duties of the Secretary of Congress were defined, and he became in some sort the Secretary of State. He corresponded with the States, and was the keeper of the Great Seal. After six years of delay, it had been adopted on June 20, and the Government now had a mark of its authority and a coat of arms. The judiciary system was in operation. The Court of Appeals in cases of capture tried cases, and a special court was organized, in the manner prescribed by the Articles of Confederation, to settle the boundary controversy between Pennsylvania and Connecticut. So far as the ordinary functions went, the Government was working fairly well, and might have lasted for many years, if it had not been for fatal weakness at the most vital point.

On January 29 Robert R. Livingston, the Secretary of Foreign Affairs, told Congress that the French Minister had

informed him that France would lend the United States no more money. On May 8 the Minister told him France wanted an accounting with the United States. Nevertheless, on September 17, Congress asked the French Government for \$4,000,000 more. It had no alternative. There was no way of running the Government except by foreign loans.

No blame can attach to the Congress for the failure to obtain money at home. The Articles of Confederation said that the quotas for Federal expenses should be apportioned among the States according to the value of the land in each State; but, when an arrangement for making the valuation was attempted, it was found that there were serious difficulties in the way of carrying it out. Was the value of land a fair test of the financial capacity of the several States? If it was, who could make it in a satisfactory manner? Sharp differences of opinion on the wisdom and practicability of the plan developed. An apportionment by population of the States was proposed, and the subject was debated from day to day without result.

The efforts to obtain money from the States went on, but they had insignificant results. On March 15 the draft of a circular letter to the States was rejected because of the indiscreet disclosures it made. It stated that the inattention of the States to the demands of Congress for money had endangered our very existence as a people. On May 22 the condition of the allotments was reported. Some States had passed no tax laws to raise their share; others had arranged for only a part of theirs; none had made satisfactory arrangements. Congress appointed deputations to go to the Eastern and Southern States, and represent the necessities that confronted the Federal Government. They returned with discouraging reports. They even found that certain States, having raised money to meet their quotas, were appropriating it to their own uses.

Congress had hopes of relief from the 5 per cent impost which it had asked the States to levy for Federal purposes. The tax would not realize a sufficient sum by itself, but the amount would be a great help to the tottering credit of the country. Rhode Island refused to lay the tax; and, when a deputation from Congress had started to visit the State, in the hope of causing it to change its action, word was received that Virginia had withdrawn her consent to the tax. It seemed useless to hope to obtain funds which required unanimous action by all the States. When the estimate of \$6,000,000, to run the Government for 1783, was submitted, the States were asked to raise their quotas by levying special taxes, which should be for Federal uses only, and should be paid to Federal collectors, but this request was not granted. Pennsylvania sent a memorial to Congress, praying that she be allowed to pay Pennsylvanians, who were creditors of the United States, out of the money raised by her for Federal purposes. The plan produced alarm, for, if all the States should adopt it, the Federal Government would have no funds at all.

The vast areas of back lands which were to come to the Federal Government offered a gleam of hope. They could be made the basis of a large fund; but the terms of the cessions were not yet agreed upon.

Thus the year closed with prospects of success in achieving independence, and with problems of government confronting the Congress which threatened its existence.

The Journals for 1782 are meager. For many days there are no entries at all, and yet on those days Congress sat and transacted business. So far as it was possible to do so, the gaps have been supplied by the other papers of the Congress.

In Volume III of this edition of the Journals, my predecessor, Mr. Ford, added to the Journals for 1775 the notes of

debates by John Adams; and in Volume VI, for 1776, the notes of Adams and Thomas Jefferson. Following this plan, I have added to the volumes for 1782 the important journal of debates of James Madison.

GAILLARD HUNT

*Chief of Division of Manuscripts, Editor*

HERBERT PUTNAM

*Librarian of Congress, June, 1914*



# JOURNALS OF THE CONTINENTAL CONGRESS 1782

THE UNITED STATES IN CONGRESS ASSEMBLED.

WEDNESDAY, JANUARY 2, 1782.

On motion of Mr. [Abraham] Clark, seconded by Mr. [James] Madison,

*Resolved*, That the post office be continued on the old establishment until the first day of February next.

On report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [James] Lovell, Mr. [Joseph] Montgomery, to whom was referred a letter of 18 November, 1781, from the Secretary of foreign affairs:

The Committee to whom was referred the letter of the 18<sup>th</sup>. day of November 1781 from the Secretary of foreign affairs concerning the reduction of the number of the foreign Ministers of the United States, and of their salaries, and concerning the case of Mr J. Temple, Report,

That whatsoever future circumstances may require, it does not seem expedient at present, to reduce the number of Ministers.—

That Congress cannot decide, what reduction of salary may be necessary, until a calculation shall be laid before them of the probable expence at the different courts.—

*Ordered*, That the Secretary of foreign affairs lay before Congress an estimate of the expences which will probably be incurred by the foreign ministers of the United States respectively, and their secretaries.

*Ordered*, That the Superintendant of finance take order for supplying the foreign ministers of the United States, their secretaries and the public agents, with their respective salaries.<sup>1</sup>

Your Committee beg leave farther to report,

That it appears that Mr J. Temple, left the United States, some time in the year 1780 and went to great Britain according to his own confession.

*Resolved*, That a copy of the letter of Mr J. Adams respecting the said Mr Temple ought not to be granted to him, until he shall explain his motives for going to Great Britain as aforesaid, and shall shew that he had obtained permission for that purpose from the Government of Massachusetts.<sup>2</sup>

<sup>1</sup> The two orders in regard to foreign ministers were also entered in the manuscript Secret Journal, Foreign Affairs.

<sup>2</sup> This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 25, I, folio 469. On folio 473 is the following, which was referred to this committee:

Salaries of the Several officers of the United States in Foreign Countries.

	Sterling.
{ Doctor Franklin.....	£.2500 .. ..
{ allowance for his present }	
{ Secretary not fixed }	..... ..
{ Mr Jay.....	2500 .. ..
{ Secretary.....	1000 .. ..
{ Mr Adams.....	2500 .. ..
{ Private Secretary salary not fixed.....	..... ..
{ Mr Dana.....	1000 .. ..
{ Secretary.....	500 .. ..
Mr Laurens.....	1500 .. ..
Mr Dumas.....	262 10 ..
Consul in France.....	337 10 ..
{ Private Secretaries to Dr Franklin	
{ to Mr Jay in the absence of Mr Carmichael }	
{ to Mr Adams in the absence of Mr Dana—	
{ about £ Sterling 500 each }	1500 .. ..
Total £. Sterling.....	13099 .. ..

Query: Whether Mr Laurens's salary as a Commissioner does not commence from the time of his appointment and whether the salaries to all Commissioners are not in addition to those they now receive? If so, £6000 must be added to the above sum.

Philadelphia Nov. 20, 1781.



On report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [William] Ellery, Mr. [Richard] Law, to whom was referred a motion of Mr. J[oseph] Jones, Congress came to the following resolution:

To render more effectual the provision contained in the Ordinance, ascertaining what captures on water shall be lawful, for the capture and condemnation of goods, wares and merchandizes of the growth, produce or manufacture of Great Britain, or the territories depending thereon, in certain cases:

*Resolved*, That it be earnestly recommended to the legislature of each State to ~~provide by law~~ pass acts to be in force during the continuance of the present war, for the ~~capture~~ seizure and condemnation of all goods, wares and merchandizes of the growth, produce or manufacture of Great Britain, or of any territory depending thereon, which shall be found on land within their respective jurisdictions, unless the same shall have been imported before the first day of March, 1782, or shall have been captured from the enemy.<sup>1</sup>

<sup>1</sup> This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 28, folio 243. It was entered in the Journal by George Bond. The motion, in the writing of Joseph Jones, is in No. 36, I, folio 249, and is as follows:

To render more effectual the regulation contained in the ordinance of the fourth day of this month for suppressing the importation into the United States of goods, wares and merchandizes of the growth produce or manufacture of Great Britain or the Territories depending thereon,

*Resolved*, That it be earnestly recommended to the Legislatures of the several States to pass laws providing for the seizure and forfeiture of all goods wares and merchandizes of the growth, produce or manufacture of Great Britain or of any territory depending thereon, imported within their respective jurisdictions, in any ship or vessel belonging to Citizens of the United States or to the subjects of any neutral power.

On this day, according to the indorsement, a letter of December 31, from the Secretary at War was read. It is in No. 149, I, folio 77.

Also, a letter of November 26, 1781, from General St. Clair. It is in No. 161, folio 529.

Also, a letter, dated Fort Pitt, Dec. 15, 1781, from William Connor. It is in the *Papers of the Continental Congress*, Miscellaneous; and, according to the indorsement, was referred to the Commander in Chief to take order.

THURSDAY, JANUARY 3, 1782.

On a report of the Secretary at war, to whom was referred a memorial of Dr. Glentworth and others:

*Resolved*, That it be, and hereby is recommended to the State of Pennsylvania, to settle the balance of pay and depreciation due to Doctors G. Glentworth, W. Smith, J. Fallon, S. Duffield and S. Halling, late physicians and surgeons in the general hospital, on the same principles they settled with the other physicians and surgeons of the army, citizens of that State.<sup>1</sup>

An Ordinance amending the Ordinance ascertaining what captures on water shall be lawful, was read a first time.

*Ordered*, That Monday next be assigned for the second reading.

*Ordered*, That Wednesday next be assigned for the second reading of An Ordinance establishing courts for receiving and determining finally appeals in all cases of captures, and An Ordinance regulating inferior courts of admiralty in certain cases.

On a report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Ezekiel] Cornell and Mr. [Isaac] Motte, to whom was referred an arrangement of the medical department:

The Committee to whom was referred the ordinance respecting the Hospital Department, beg leave to report—

That they have considered the same, and are of opinion that any ordinance for a new establishment of the hospital, [on] the plan proposed, is unnecessary and at this time for many considerations improper they have therefore returned the same in the manner they received it.—Your Committee are nevertheless of opinion that sundry alterations and amendments are necessary to be made to the

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 63. So far as Halling is concerned it superseded the following resolution sent to Congress by the Secretary at War December 18:

*Resolved*, That the Comptroller be and he is hereby directed to adjust the accounts of Doctor Halling for pay and depreciation on the same principles as the accounts of Doctor Allison were settled. This resolution is on folio 53.

plan for conducting the General Hospital, passed on the 30<sup>th</sup> day of September, 1780, and accordingly have herewith submitted such alterations and amendments for the consideration of Congress, in case they shall be of opinion with the Committee, that a new regulation of the Hospital by an Ordinance is at this time unnecessary or improper.—

*Resolved*, That for the more regular conducting the general hospital, the offices of chief physician and surgeon of the army, and of chief hospital physician, be, and hereby are abolished; and that the chief physician and surgeon to the army, eldest in appointment, be continued in service, under the title of physician, with the pay and emoluments heretofore allowed to a chief hospital physician:

That the number of surgeons to all the military hospitals of the United States, be reduced so as not to exceed fifteen:

That the director have the general superintendence and direction of all the military hospitals, and of practice both in camp and in hospitals:

That in the absence of the director, his duty devolve on the deputy director or physician, and in their absence on the hospital surgeons, according to seniority:

That the director, or in his absence the senior medical officer, with the approbation of the Commander in Chief, or commanding general of a separate army, be, and hereby is authorised and empowered, as often as may be judged necessary, to call a medical board, which shall consist of the three senior medical officers then present; and it shall be the duty of such board to appoint all hospital mates, to examine all candidates for promotion in the hospital department, and recommend to the Secretary at War such as they judge best qualified; and generally to take cognizance of, and give their opinion and advice on every matter relative to the department, which may be submitted to them by the Commander in Chief, or commanding general of a separate army: provided always, that no regulation, plan or order of the board, shall be valid and take effect, until approved by the Com-

mander in Chief, or commanding general of a seperate army, and issued in general orders:

That all returns heretofore ordered to be made by the director or deputy director, to the medical committee, be made to the Secretary at War:

That the stewards may, in the first instance, when the purveyor or his assistant is at a distance, be appointed by the director or senior medical officer, but shall be removeable at pleasure, and others substituted in their stead, by the purveyor or his assistant. And although in their purchases and issues, they are to obey the order of the prescribing surgeons, yet for the faithful discharge of their duty, they are to be accountable to the purveyor, who shall in like manner be accountable to the United States. Wherefore, the said stewards shall keep seperate accounts of all they receive, and of what they themselves purchase; and shall render an account monthly of all their issues, with their stock on hand, to the purveyor, who shall render the said accounts, together with a particular account of the supplies furnished by himself or his assistants to each respective hospital, once every three months to the Superintendant of finance:

That the Secretary at War be, and he is hereby empowered and directed, on or before the first day of February next, and hereafter, from time to time, as the service may require, to arrange the department agreeably to the foregoing resolutions, and to issue his orders to such as he thinks proper to remain, paying a due regard in his first arrangement to such of the chief physicians and surgeons as may choose to continue in service in the rank of surgeons, and in his subsequent arrangements to such of the senior officers as may choose to remain in service:

That such of the officers as shall not be called into service agreeably to the foregoing resolution, be considered as reduced by Congress, and be entitled to the emoluments granted by the Act of Congress of the 17 January, 1781:

That when by reason of vacancies or otherwise, any officer hereafter to be appointed in the hospital department, and whose appointment is reserved to Congress, ~~it shall be the duty of the secretary at war to recommend the person or persons best qualified, provided that, in the recommendations for director, deputy director and physician due regard~~ be paid to the officers next in rank; and that the appointment of hospital surgeons be from among the regimental surgeons and hospital mates: provided that no regimental surgeon shall be so appointed, who shall not have submitted himself to an examination by the medical board, and obtained from them a certificate that he is well qualified for the office of regimental surgeon, by which certificate the regimental surgeon shall be considered as superior in rank to an hospital mate, but not otherwise.

*Resolved*, That the director, deputy director, physician, surgeons and mates, as well hospital as regimental, receive their pay out of the military chest, at the same time and in the same manner as the army with which they serve; the abstracts to be signed by the director, deputy director or physician, or in their absence by the senior hospital surgeon; and the warrants to issue in the same manner as for the pay of the army.<sup>1</sup>

[Report of Committee of the Week, Mr. Oliver Wolcott, Mr. Henry Wynkoop, Mr. Silas Condict]

The Committee of the Week Report,

That so much of the letter of John Reynolds late Agent Clothier as respects the taking the Clothing belonging to the United States out of his hand, by an order of the Council of War of the State of Rhode Island, be referred to the Secretary of War.—And that the other part of his Letter which respects his acc<sup>ts</sup> against the United States be referred to the Superintendant of Finance.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 22, folios 43 and 63. The paragraphs preceding the resolutions are in Abraham Clark's writing, the rest is in that of Charles Thomson.

That the letter of Jeremiah Wadsworth respecting the accounts of the late Col<sup>o</sup> Aylett Deputy Commissary of Purchases be referred to the Superintendant of Finance.

That the Letter of John Fallon and his associates Iron Masters in the State of Pennsylvania respecting their debt due to them from the United States be referred to the Superintendant of Finance.

That the Memorial of Francis Hagan late Surgeon in the Hospitals respecting his pay be referred to the Secretary of War.

Jan'y 3<sup>d</sup> 1782.<sup>1</sup>

The Committee of the Week [Mr. Oliver Wolcott, Mr. Henry Wynkoop, Mr. Silas Condict] Report,

That the application of the Chevalier de Seguond, late Captain in Count de Pulaski's Legion, relative to some honourable Testimonial of his Services, and also respecting his pay, be referred to the Secretary at War.

January 3d., 1782.<sup>2</sup>

#### [FRIDAY, JANUARY 4, 1782.]

Whereas by the 9<sup>th</sup> Article of Confederation Congress has the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority or by that of the respective States: fixing the standard of weights, and measures &c. therefore

*Resolved*, That a Committee be appointed to ascertain the value and weights at which all foreign coins shall be rec'd in taxes by the Treasurer of these United States and to form such ordinance or ordinances as may be necessary to regulate the currency of the same.<sup>3</sup>

#### MONDAY, JANUARY 7, 1782.

The Ordinance for amending the Ordinance, ascertaining what captures on water shall be lawful, was read a second time, and ordered to be read a third time to-morrow.

<sup>1</sup> This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 32, folio 303. It was agreed to on this day, as the indorsement states.

<sup>2</sup> This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 32, folio 301.

<sup>3</sup> This motion, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 26, folio 325. It is indorsed: "January 4, 1781 [2] Mr. [Samuel] Osgood, Mr. [Edmund] Randolph, Mr. [Thomas] Bee."



On a report of a committee, consisting of Mr. [Samuel] Osgood, Mr. [Edmund] Randolph and Mr. [Thomas] Bee, to whom was referred a motion relative to the value and weight of foreign coins:

*Resolved*, That it be an instruction to the Superintendant of finance, to prepare and report to Congress a table of rates, at which the different species of foreign coins most likely to circulate within the United States, shall be received at the treasury thereof.<sup>1</sup>

WAR OFFICE, *January 4, 1782.*

SIR

On the letter from Captain Segond, I beg leave to make the following report:

That Captain Segond's Credentials as a zealous, brave and good Officer are so ample that nothing farther is necessary to convince "the Public" and his "King" that he has faithfully discharged his duty.

The mode of paying the interest of the monies which is now and shall in future become due to Officers not Inhabitants of the United States, if different from the one now adopted, must be the subject of future discussion as it should operate so as to do equal Justice to all under similar Circumstances.

It would be an agreeable circumstance indeed if Money could be supplied the retiring foreign Officers, but as this is a matter of finance, I dare not recommend it to Congress as I do not know how far the Superintendant can comply with it.<sup>2</sup>

<sup>1</sup> This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 26, folio 323.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, folio 81. The indorsement shows that it was read on this or an approximate date, the part relative to credentials agreed to, and so much as related to payment referred to the Superintendent of Finance.



TUESDAY, JANUARY 8, 1782.

The Ordinance for amending the "Ordinance, ascertaining what captures on water shall be lawful," was read a third time, and passed as follows:

AN ORDINANCE FOR AMENDING THE ORDINANCE, ASCERTAINING WHAT CAPTURES ON WATER SHALL BE LAWFUL.

Whereas there hath been great variance in the decisions of several maritime courts within the United States, concerning the pretensions of vessels claiming a share of prizes, as being in sight at the time of capture; some having adjudged that the mere circumstance of being in sight was a sufficient foundation of title, while others have required proof of a more active influence: and whereas this inconvenience hath arisen from the want of an uniform rule of determination in such cases:

Be it therefore ordained by the United States in Congress assembled, that no share of any prize shall be adjudged to a vessel being in sight at the time of capture, unless the said vessel shall have been able at the time when the captured vessel struck, to throw a shot as far as the space between herself and the captured vessel; and that every vessel coming in aid of the captors, which shall have been able at the time when the captured vessel struck, to throw a shot as aforesaid, and shall have been duly authorised to make captures, shall be entitled to share according to the number of her men and the weight of her metal: provided that nothing herein contained shall be construed to effect any agreement which shall have been previously made between vessels cruising in consort.

And be it further ordained by the authority aforesaid, that whensoever an armed vessel belonging to, and commissioned by the enemy, shall be captured by any armed vessel belonging to the United States, and duly authorised to make captures, the net proceeds of the sales of the captured vessel, and of her rigging, tackle, apparel and furniture, shall be adjudged to the captors; and where a cargo shall be on board of such captured vessel, one moiety of the net proceeds of such cargo shall be adjudged to the United States, and the other moiety to the captors.

And be it further ordained by the authority aforesaid, that upon the capture of any vessel belonging to the enemy, and laden with

masts or spars, by an armed vessel belonging to the United States, and duly authorised to make captures, the net proceeds of the sales of such captured vessel and her cargo shall be adjudged to the captors.

This ordinance shall take effect and be in force, from and after the last day of February next.

Done in Congress, &c.

A motion was made by Mr. [William] Ellery, seconded by Mr. [Richard] Law,

That it is now expedient that Congress should enlarge their ultimata for concluding a treaty of peace.

On the question to agree to this, the yeas and nays being required by Mr. [Richard] Law,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no	} *	Mr. Montgomery,	no	
<i>Massachusetts,</i>			Clymer,	no	} no
Mr. Lovell,	ay		Wynkoop,	no	
Partridge,	ay	} ay	<i>Maryland,</i>		
Osgood,	ay		Mr. Hanson,	no	} no
<i>Rhode Island,</i>			Carroll,	no	
Mr. Ellery,	ay		<i>Virginia,</i>		
Cornell,	no	} div.	Mr. Jones,	no	
<i>Connecticut,</i>			Madison,	no	} no
Mr. Law,	ay		Randolph,	no	
Wolcott,	no	} div.	<i>North Carolina,</i>		
<i>New York,</i>			Mr. Hawkins,	no	} *
Mr. Floyd,	no	} *	<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Middleton,	no	
Mr. Clark,	no		Motte,	no	} no
Boudinot,	no		Eveleigh,	no	
Elmer,	no	} no	<i>Georgia,</i>		
Condict,	no		Mr. Telfair,	ay	
			N. W. Jones,	ay	} ay

So the question was lost.<sup>1</sup>

The Committee, [composed of Messrs. Samuel Livermore, Daniel Carroll and William Churchill Houston,] to whom was referred the petition of John Wheelock of the 14 instant report as their opinion,

<sup>1</sup> This motion and the vote upon it were entered only in the More Secret Journal.

That in the present state of the finances of the United States, the prayer of the petitioner cannot be granted.<sup>1</sup>

WEDNESDAY, JANUARY 9, 1782

An Ordinance was read the first time respecting the settlement of public accounts, which was first reported by the Superintendant of finance on a reference of a memorial of the legislature of New Jersey, November 23, 1781, and which being referred to a committee, consisting of Mr. J[oseph] Jones, Mr. [Ezekiel] Cornell, Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [John] Mathews, was amended and reported by them:

The Committee to whom was referred the report of the Superintendant of Finance on a representation of the State of New Jersey and a report of a Committee respecting the settlement of public accounts have considered thereof, and beg leave to report the following Ordinance.

Whereas it is necessary finally to determine the proportions of the several states in carrying on the war from the commencement thereof until the first day of Jany next, and to settle and adjust the accounts of the said states, with the United States, and to liquidate the certificates given by public officers to the inhabitants of the several states.

Be it ordained by the United States in Congress Assembled, and it is hereby ordained by the authority of the same, That the several states do each send one representative to the city of Philadelphia so as to meet together on the        of        next then and there finally to determine by the major voice, the proportion to be paid by each State of the expence which has accrued during the present war, from the commencement thereof until the first day of January next, excepting such part thereof as now is or may hereafter become a funded debt of the United States. That nine representatives when convened may proceed to business, provided that no question except of order shall be determined without the concurrence of seven States.

That a Com<sup>r</sup> for each State be appointed as follows: that he be nominated by the Superintendant of the finances of the United

<sup>1</sup> This report, in the writing of William Churchill Houston, is in the *Papers of the Continental Congress*, No. 19, VI, folio 533. According to the indorsement, it was agreed to on this day.

States and approved of by the legislature of the particular State for which he shall have been nominated. That upon the refusal, death or inability to act of such Commissioner another person to supply his place, be nominated by the Superintendant of the finances, and approved of by the Executive or the Delegates attending in Congress of the State for which he shall be nominated as the legislature of the State shall direct. That the said Commissioner so appointed have full power and authority finally to settle (in such form as by the Comptroller of the Treasury shall be directed) the accounts between the State for which he shall have been appointed and the United States, and also all demands upon the United States within the said State, for supplies furnished, services performed, and contingent expences thereon, according to the principles of equity and good conscience in all cases which are not and shall not hereafter be provided for by the ordinances and resolutions of Congress.

That the said Commissioner be allowed a salary of        dollars per annum and that he appoint his necessary clerks with the annual salary of        dollars per annum each, or in proportion for the time they shall respectively serve, and in full for all services and expences.

That monies paid by the United States or by the State be estimated according to the Table of depreciation framed by the Treasury board on the 29<sup>th</sup> day of July 1780 in consequence of the resolution of the 28<sup>th</sup> of June preceeding.

That the value of all articles delivered to and services performed for the United States be estimated at the real specie value of such articles and services, at the time and place when and where the same were performed or delivered, and that the services and articles be so ascertained as to be charged to the proper public officers.

That the said Commissioner give such public and early notices of the time and places of his settling and the districts within which he settles accounts, that as well the public officers as the private individuals interested may have an opportunity to attend.

That there be a monthly calculation of interest at 6 per cent per annum to be allowed on all sums charged by or against the United States until the first day of Jan<sup>r</sup> next; and that the whole amount thereof as well principal as interest be considered as so much paid by the individual or United States. That all sums due to individuals be provided for and paid by the State.

Provided always that notwithstanding anything herein before contained, the resolutions of the 25<sup>th</sup> of Feb<sup>r</sup>, 18<sup>th</sup> of March, 26<sup>th</sup> of Aug<sup>t</sup> and 6<sup>th</sup> of Nov<sup>r</sup> 1780, and 8<sup>th</sup> of Jan<sup>r</sup> and 16<sup>th</sup> of March 1781

be complied with, and that such of the said requisitions as are for money be payable by the Bills to have been issued according to those resolutions or in specie.

And it is further ordained that the proportions to be fixed as aforesaid shall be the final standard to apportion all expences which may have been incurred before the said first day of Jan<sup>y</sup> next, excepting the funded debt of the United States. And that where any of the States have exceeded their proportions, a deduction shall be made in the future annual proportions of those States and such deductions shall be made up by like additions to the future annual proportions of the deficient States, until the whole shall have been finally liquidated and adjusted, until which time interest shall be charged and credited at 6 per cent on the respective balances.<sup>1</sup>

<sup>1</sup> This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 26, folio 335. The indorsement shows that it was on the second reading committed to a grand committee, consisting of Mr. [Samuel] Livermore, Mr. [Samuel] Osgood, Mr. [William] Ellery, Mr. [Richard] Law, Mr. [William] Floyd, Mr. [Abraham] Clark, Mr. [George] Clymer, Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [Benjamin] Hawkins, Mr. [Nicholas] Eveleigh, Mr. [Edward] Telfair. See *post* January 11, 16, and February 20.

The report of the Superintendent of Finance, unsigned, is in No. 137, I, folio 241. According to Committee Book No. 186, it was, on December 11, 1781, referred to Mr. [Joseph] Jones, Mr. [Ezekiel] Cornell, Mr. [George] Clymer, Mr. [Samuel] Osgood and Mr. [John] Mathews. It is as follows:

OFFICE OF FINANCE, 10 Dec<sup>r</sup>. 1781.

SIR

Upon a reference made by the act of the United States in Congress assembled of the Twenty-third of November last, the subscriber has the honor to observe,

That the memorial from the State of New Jersey while it points out the laudable exertions of the inhabitants of that State, and the injury they sustain by being holders of Certificates from the Commissaries and Quarter Masters, contains a just picture of many if not of all the States, and therefore the request which concludes their memorial, that some measures may be adopted adequate to the urgency and importance of the occasion deserves the most serious attention, as well from the nature of that request as from the respect which is due to those by whom it is made.

That the act of the twelfth of June 1780, referred to by the said memorial in terms of approbation, directs the appointment of extra chambers of accounts to go from place to place for the liquidation of accounts and empowers the Treasury Board to call on the executives of the States to appoint a temporary Commissioner to be joined by a Commissioner to be appointed by the Board, wherefore the plan contained in the said resolution (altho' founded in principles of Equity) cannot now be executed, besides that it would be attended with very considerable delay and expence.

That the suggestion contained in the said memorial of the propriety of adjusting the accounts by the several Legislatures upon principles to be established by Congress,

*Ordered*, That Friday next be assigned for the second reading.

On a report of the Secretary at War, on a resolution of the legislature of New Hampshire, of the 29 November last, and a petition of Captain Ebenezer Greene:

On a resolve of the State of New Hampshire and the petition of Captain Green referred, the following resolve is submitted to the consideration of Congress, as it cannot be ascertained here what length of time Captain Green was detained by the Enemy, or how much he was circumscribed in business while at home.

seems to proceed upon the true idea, that the Liquidation of all past transactions, should be by the mutual consent of the several States individually, and of the United States.

That the full and final settlement of all the public accounts is an object of the greatest importance, as the want of it is already much felt, and will daily produce additional evils and inconveniencies. Wherefore the same should be done as speedily as in any wise consistent with those Principles of Oeconomy which our situation renders indispensable.

That the settlement of the several accounts and certificates referred to in the memorial and resolution before mentioned appears to be intimately connected with the State accounts, wherefore a settlement of those accounts also must go along with the others.

That it appears to be impracticable so to mark out any particular rules for the adjustment of these accounts as will be both efficacious and just. Wherefore the plan must be founded in general principles of equity, and ought in each particular instance to receive the assent of the State particularly concerned in it.

That the report of the committee made on the seventeenth of May last, and which forms a part of the reference aforesaid proposes that the States appoint Commissioners not exceeding two in each County with full power to liquidate all claims against the United States, which appears to be exceptionable, because such a number of persons will not only occasion great expence, but also introduce much variety and consequent confusion, and by the uncertainty as to the boundaries of Counties give room for deception by borderers in having the same accounts twice passed, and because the men who are generally to be found in distant Counties are seldom competent to the settlement of intricate accounts, a business which requires much skill, habit and attention, besides that among so great a number many will doubtless be corruptable. To which objection may be added, that the preference of local to general interests, is much to be apprehended.

That the said report also proposes, that a scale of depreciation should be fixed by the States which appears to be exceptionable because there is a danger that many of the States would estimate the value of money more highly than it ought to be, and there is a certainty that such scales would vary from each other, and consequently give occasion to heart-burnings and complaints.

That the said report also proposes that the value of articles shall not exceed that mentioned in the Proviso to the Act of the twenty-sixth of August 1780, except for



*Resolved*, That it be, and is hereby recommended to the State of New Hampshire, to settle with and pay Captain Ebenezer Greene, and make him such allowances for his services and sufferings, as shall appear to them to be his just imported articles, which standard is much too high if the articles are to be valued in specie.

That the said Report also proposes the issuing of small Certificates, bearing interest for the amount of the ballances due, which would be a new emission of Paper money, and probably would depreciate.

That it also proposes that such new Certificates should be receivable in Continental Taxes, which would so anticipate the public revenues, as to defeat all future operations.

The subscriber begs leave further to observe, that so little attention has hitherto been paid to the requisitions of Congress, that it is absolutely necessary to determine as soon as may be the proportion of all past expenditures. He therefore proposes the following Act:

By the United States in Congress assembled.

Whereas, it is necessary finally to determine the proportion of the several States in carrying on the War from the commencement thereof until the first day of January next, and to settle and adjust the accounts of the said States, with the United States, and to liquidate the certificates given by public officers to the inhabitants of the several States;

Be it therefore enacted by the United States in Congress assembled, and it is hereby enacted by the authority of the same.

That the several States do each send one representative to the City of Philadelphia so as to meet together on the first Tuesday in the month of May next, then and there finally to determine by the Major Voice, the proportion to be paid by each State of the expence which has accrued during the present War from the commencement thereof until the first day of January next, excepting such part thereof as now is, or may hereafter become a funded debt of the United States.

That a Commissioner for each State be appointed as follows. That he be nominated by the Superintendent of the Finances of the United States, and approved of by the Legislature of the particular State for which he shall have been nominated.

That the salary of the said Commissioner be fifty dollars per month, and that he appoint his necessary Clerks with salaries of twenty Dollars per month, each, and that he be allowed his and their necessary traveling charges and office expences.

That the said Commissioner so appointed have full power and authority finally to settle in such manner and form as by the Comptroller of the Treasury shall be directed the accounts between the State for which he shall have been appointed and the United States, and also all demands upon the United States within the said State for supplies furnished, services performed, and contingent expences thereon according to the principles of equity and good conscience.

That the monies paid by the United States, or by the State, be estimated according to the Table of depreciation framed on the twenty-ninth day of July 1780, in consequence of the resolution of the twenty-eighth of June preceding.

That the value of all articles delivered to and services performed for the United States be estimated at the real Specie value of such articles and services at the time



due, but not to exceed his full pay as a captain, for so long time as they may judge proper, not exceeding the time of his release, and charge the same to the United States.<sup>1</sup>

A report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Roger] Sherman and Mr. [George] Clymer, to whom was referred a plan of a convention between his Most Christian Majesty and the United States, for regulating the powers and duties of consuls and vice consuls, was agreed to by nine states.

*Resolved*, That the minister plenipotentiary of the United States at the Court of Versailles be authorised and instructed to enter into a convention with his Most Christian Majesty, on the part of the United States, for the establishment of consular powers and privileges, according to the scheme hereto subjoined.<sup>2</sup>

and place when and where the same were performed or delivered, and that the services and articles be so ascertained as to be charged to the proper public officers.

That the said Auditor give such public and early notices of the time and places of his sitting, and the Districts within which he settles accounts, that as well the public officers as the private individuals interested may have an opportunity to attend.

That interest on all the ballances due from the United States be allowed at six per cent until the first day of January next, and the whole amount thereof be considered as so much paid by the individual State to the United States, and that such sums as may be due to individuals be provided for and paid by the State.

Provided always that notwithstanding anything herein before contained the resolutions of the 18th of March, 1780, be complied with, together with all subsequent requisitions for money and specific supplies and that such of the said requisitions as are for money be payable by the Bills to have been issued according to these resolutions or in specie.

And it is further enacted that the proportions so to be fixed as aforesaid shall be the final standard to apportion all the expences which may have been incurred before the said first day of January next excepting the funded Debt of the United States, and that where any of the States have exceeded their proportions, a deduction shall be made in the future annual proportions of those States, and such deductions shall be made up by like additions to the future annual proportions of the deficient States until the whole shall have been finally liquidated and adjusted, until which time interest shall be charged, and credited at six per cent on the respective balances.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 89.

<sup>2</sup> This resolution, the convention in regard to consuls, and the two resolutions following it, were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. It is in the printed Secret Journal under date of January 2.

## ARTICLE I.

It shall be the duty of the consuls of his Most Christian Majesty to present their commissions in the first instance to the United States in Congress assembled, by whom an act shall be made recognizing them as such. This act shall be delivered by the consuls to the supreme executive power of the state or states to which they may be sent. Two copies of the exequatur, that is, a publick notification of the quality of the consuls, shall thereupon issue from the supreme executive power, without any fees or perquisites of office, one to be retained by the consuls, the other to be published in one or more gazettes. This being done, the pre-eminences, authority and privileges stipulated in this convention shall be allowed to them, in all places, before all tribunals, and by all persons.

## ARTICLE II.

The consuls of his Most Christian Majesty may appoint any number of vice consuls within their department. Upon the the notification of their appointment by the consuls, to the supreme executive power of the state to which they may be sent, the exequatur shall be applied for and delivered by the several states to them in the same manner as to consuls; and thereupon the pre-eminences, authority and privileges, stipulated in this convention in favour of vice consuls, shall be allowed in all places, before all tribunals, and by all persons.

## ARTICLE III.

Consuls and vice consuls shall be subjects or citizens of the power appointing them, and interdicted from all traffick or commerce for their own or another's benefit.

## ARTICLE IV.

Consuls may also appoint any number of agents within their department, who may be of their own nation, or not, at pleasure. They shall receive a commission from the consul appointing. They shall not assume any pre-eminence, authority or privilege herein granted to consuls or vice consuls, nor exact any fees or reward, under any pretence whatever. But they shall confine themselves wholly to the assisting of merchants, mariners and vessels, and giving information respecting them to the nearest consul or vice consul.

## ARTICLE V.

Besides consuls, vice consuls and agents, there may be attached to the consulate, at the will of the consuls within their departments, any number of persons. Neither the papers nor houses of consuls or vice consuls shall be searched. Consuls and vice consuls shall enjoy full and entire immunities for their persons, and be exempt from personal service, publick offices, finding quarters for soldiers, militia duty, watch, ward, guardianship, attorneyship, committeeship and from all duties, taxes and imposts whatsoever on moveable property, but shall be liable in respect of real and landed property, in the same manner as the subjects or citizens of the country. The arms of his Most Christian Majesty, or of the United States, as the case may be, shall be placed upon the outward door of their house; and being so placed, shall entitle the house to the exemptions aforesaid: but no asylum shall be thereby obtained for malefactors or criminals, who shall be delivered up immediately on demand. The same privileges and immunities, as those granted in this fifth article to consuls and vice consuls, shall be granted to persons attached to the consulate, and living under the same roof with the consuls or vice consuls; provided approbation shall be given of their number and appointment by the supreme executive power of the state to which they may belong.

## ARTICLE VI.

Consuls, and vice consuls in places where there are no consuls, may have a chapel in their houses for the celebration of divine service according to their religious profession: and his Most Christian Majesty and the United States shall cause particular care to be taken that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

## ARTICLE VII.

In all cases in which it may be necessary that the consuls or vice consuls should perform any juridical or official act, the publick bodies, or the persons in publick authority who shall require such act, shall either inform them thereof in writing, or send a military or civil officer with a verbal message respecting it; and the consuls or vice consuls shall, on their part, readily and *bona fide* do whatsoever may be demanded of them on these occasions.

## ARTICLE VIII.

The consuls and vice consuls respectively may establish a chancery as a depository of the consular acts and deliberations of effects left by the dead, or saved from shipwreck, of testaments, obligations, contracts, and all other acts and things done by or between people of their nation. They may appoint the officers of the chancery, administer to them an oath of office, intrust to them the keeping of the seal and the right of affixing the same to commissions, judgments and other consular acts, and empower them to discharge the functions of notaries and registers.

## ARTICLE IX.

The consuls and vice consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels of their nation, all the declarations and other acts which the captains, masters, seamen, passengers and merchants of their nation shall think proper to make or lodge therein: and last wills and testaments, and copies of any act duly authenticated by the consuls or vice consuls, and under the seal of their consulate, shall receive full faith and credit in all courts of justice, as well in France as in the United States. They shall also have the exclusive right of inventorying the effects of those of their nation who may die within their consulate, liquidating their accounts, and selling their moveable property. They shall call to their assistance in this business two merchants of their own nation, and of their own choice; and cause to be deposited in the chancery the effects and papers of the deceased of their own nation, without being interrupted therein by any officer, military, judiciary, or of the police. But neither the consuls nor vice consuls shall deliver the effects of the deceased, or the produce of their sales, over to the heir or lawful successor, or his representative or attorney, until all the debts which the deceased shall have contracted by judgment, act or bill, shall be discharged, the signature or hand writing, and genuineness thereof, being first certified by two merchants of the same nation with the deceased, and of reputation. In all other cases, payment of no debt shall be made, unless the creditor shall first enter into a bond, with one sufficient security at least, who is resident on the spot, for the return of all moneys unduly received, as well the principal as interest and costs. The security shall not be bound beyond one year in time

of peace, and two years in time of war. If, however, within those terms, the creditor shall call upon the lawful representative or successor to the property of the deceased, by a proper legal process, and prove his title to the money so received, the security shall stand discharged.

## ARTICLE X.

The consuls and vice consuls, respectively, shall receive the declarations, *consulats* or other consular acts, of all captains and masters of their respective nations, for damages received at sea by leakage or the throwing of goods overboard; and all *consulats* or other consular acts, made by them in foreign ports for accidents during the voyage, shall be lodged in the chancery aforesaid. If a subject of France and a citizen of the United States be jointly interested in the cargo, the damage shall be settled by the tribunals of the country, not by the consuls or vice consuls. But where subjects or citizens of their own nation are alone interested, the consul or vice consul shall then choose experienced persons of their respective nations to settle the same.

## ARTICLE XI.

In every case of a wreck, the nearest consul or vice consul may exercise his discretion in saving the vessel wrecked, with her cargo and appurtenances, and in storing and securing what is saved; and may also take an inventory thereof. In this business no officers of the customs, of justice, of the police, or naval officer shall interfere, but upon application made to them for their assistance, in which case they shall exert themselves in the most effectual manner. To prevent all clashing of jurisdictions in case of shipwreck, it is agreed, that where there shall be no consul or vice consul, or they may be more distant from the place of the accident than a judge of the country having authority in such cases, this judge shall immediately proceed to the exercise of his authority according to law; but shall retire upon the coming of a consul or vice consul, into whose hands he shall put the whole business, rendering an account of his transactions, and receiving from the consul or vice consul reimbursement for all expences. Whatsoever is saved shall be lodged in the nearest customhouse or naval office, or where there is no customhouse or naval office, in the nearest place of security, with an inventory prepared by the consul, vice consul, or in their absence, by the judge of the

country as aforesaid. Upon the order of the nearest consul or vice consul, and without any fees or perquisites for storage when lodged in publick stores, the owner may reclaim the property so saved, in person or by attorney; and may either re-export the same free from all duties of exportation, or sell it in the country, if goods of such a quality be not prohibited. In this latter case, of a sale of unprohibited goods, there shall be an abatement of the duties on importation, in proportion to the damages sustained by the shipwreck, to be determined by the account taken by the consul, vice consul, or judge of the country, or any other competent officer at the time of the accident.

#### ARTICLE XII.

The consuls and vice consuls shall have, on board of the vessels of their respective nations, all power and jurisdiction in matters of a civil nature. They shall have the ~~exclusive inspection of the said vessels and their crews and~~ power of causing the laws, regulations, and ordinances of their respective nations, respecting navigation, to be observed on board their said vessels. For this purpose they shall freely, and without molestation or hindrance from any officer or other person, visit the said vessel. They may cause to be arrested and sequestered every vessel carrying the flag of their respective nations, and even send them back to France, or the United States, as the case may be, as well as arrest any captain, master, seaman or passenger of their respective nations. They may cause to be arrested and detained in the country, sailors and deserters ~~and vagabonds~~ of their respective nations, or cause them to be transported therefrom. It shall be sufficient evidence of the sailors and deserters belonging to their respective nations, if their names appear in the registers of the vessels, or the roll of their crew. Proof being thus made concerning sailors and deserters ~~and in some other satisfactory manner concerning vagabonds~~, all tribunals, judges and officers whatsoever shall be interdicted and disabled from taking cognizance in any manner of complaints exhibited by such sailors or deserters ~~or vagabonds~~; but they shall be delivered up to an order signed by the consuls or vice consuls, without being detained, engaged, or withdrawn in any manner. That these powers, vested in consuls and vice consuls, may be completely executed, all persons in authority shall assist them; and upon a simple requisition made by the consuls or vice consuls in writing, shall



cause to be kept in prison, at the disposal and cost of the consuls and vice consuls, the sailors and deserters ~~and vagabonds~~ so arrested, until an opportunity shall be presented of sending them out of the country.

~~His Most Christian Majesty will decree that no citizen of the United States shall become a subject of France without his special permission and that of the state to which he may belong; and that the United States in Congress assembled will take every effectual method in their power for preventing a subject of His Most Christian Majesty from becoming a citizen of the United States without his special permission.~~

Negattived

#### ARTICLE XIII.

All offences committed in France, by a citizen of the United States against a subject of his Most Christian Majesty, shall be inquired into and punished according to the laws of France; and those committed in any one of the United States, by a subject of his Most Christian Majesty against a citizen of the United States, shall be inquired into and punished according to the laws of such state. But offences committed in France, by a citizen of the United States against a citizen of the United States, or committed in any one of the United States, by a subject of his Most Christian Majesty against a subject of his Most Christian Majesty, shall be subject to the jurisdictions of the consuls of France, or of the United States, as the case may be.

#### ARTICLE XIV.

All differences and disputes between the subjects of his Most Christian Majesty in the United States, or between the citizens of the United States in France, and all differences and disputes, concerning commerce, between the subjects of his Most Christian Majesty, one party being resident in France or elsewhere, and another in the United States, or between the citizens of the United States, one party being resident in the United States or elsewhere, and another in France, shall be heard, tried, and decided on, by the consuls of their respective nations, either by referring the same to arbitrators, or by making a decree summarily and without costs. No officer, civil or military, shall intermeddle or interpose herein in any respect. Appeals shall be carried to such courts as may be appointed by his Most Christian Majesty and the United States, respectively. No disputes or differences between a subject of his Most Christian Majesty and a citizen

of the United States shall be determined or taken up in any manner by the consuls or vice consuls, but shall be decided by the courts of the country in which the defendant shall be found, [but according to the laws of the country in which such dispute or difference shall have originated.]<sup>1</sup>

## ARTICLE XV.

The advantages to commerce having caused the erection of certain tribunals in France, and particular forms for the speedy determination of commercial matters, the merchants of the United States shall enjoy the benefits of those establishments in France; and the United States in Congress assembled will recommend to the legislatures of the several states to establish equal advantages in the speedy decision of causes in favour of the French merchants in matters of the same nature.

## ARTICLE XVI.

The subjects of his Most Christian Majesty and the citizens of the United States shall be exempt from all personal services in the place of their residence, either in France or the United States, as the case may be.

~~A certificate of the consul, vice consul or consular agent of their respective nations, and of the district in which they reside, containing the names, surnames, the place of their residence, and the date of their having been registered in the books of the consulate, shall always be considered sufficient evidence of their being subjects of his Most Christian Majesty or citizens of the United States.~~

Recommitted

## ARTICLE XVII.

Conformably to the ~~eleventh article~~ third and fourth articles of the treaty of commerce between his Most Christian Majesty and the United States, if any other nation, by virtue of any convention whatsoever, shall receive greater indulgence, either in France or in the United States, with regard to consular powers, privileges, or authority, the consuls, vice consuls and agents of France and of the United States, as the case may be, shall participate therein.

*Resolved*, That the said minister plenipotentiary of the United States use his discretion as to the words or arrangement of this convention, confining himself to the matter thereof in all respects,

<sup>1</sup> The words in brackets are crossed out in the transcript of the committee's report.



except as to so much of the sixth article as relates to the erection of a chapel; taking care that reciprocal provisions be made for the recognition of consuls, vice consuls and consular agents of the United States, and for the admission of persons attached to the consulate to the privileges stipulated in the fifth article, in a manner most conducive to expedition and freest from difficulty.

*Resolved*, That it be recommended to the several legislatures to provide by law ~~so far as they can against emigrants from the dominions of his Most Christian Majesty becoming citizens of the United States,~~ for the establishment of a speedy mode of administering justice between subjects of his Most Christian Majesty and citizens of the United States, and for vesting persons in the neighbourhood of the seacoast with powers to secure shipwrecked property in the most effectual manner.

*Resolved*, That the Secretary of foreign affairs inform the Honorable Minister Plenipotentiary of France that Congress have instructed the Minister Plenipotentiary of the U. S. at the Court of Versailles to enter into a convention with his Most Christian Majesty on their part touching consular powers, privileges and authority, taking for the basis of the negotiation the plan of a Convention, proposed in his memorial of the 28<sup>th</sup> day of July last, and have recommended to the several legislatures, to provide by law as far as they can against emigrants from the dominions of his Most Christian Majesty becoming Citizens of the U. States, for the establishment of an expeditious mode of administering justice, between subjects of his Most Christian Majesty and Citizens of the U. S. and to vest persons in the neighborhood of the Sea coast with power to secure shipwrecked property in the most effectual manner.<sup>1</sup>

<sup>1</sup> For the plan of the consular convention submitted by the French minister see *ante*, vol. XXI, p. 792 *et seq.* On the plan the following report, in the writing of Edmund Randolph, was made:

The Committee to whom were referred for consideration the proposals made on the part of his Most Christian Majesty to the United States in Congress assembled touching the establishment of Consuls, beg leave to Report,

That in every article perfect reciprocity is tendered, and their objections to such parts of the plan as are inadmissible, will be chiefly grounded on the ambiguity of terms and a repugnance to the spirit and genius of America.

#### Article the First.

Respects the Recognition of Consuls in the Countries to which they are sent, and is admissible in all points except that the word "droit" is of indefinite signification and

*Ordered*, That the committee who brought in the report, communicate the same as agreed to, to the honorable the minister plenipotentiary of France.<sup>a</sup>

deserves restriction, lest Consuls should be exempted thro' its extensive meaning from all imposts and taxes whatsoever.

Article the Second.

Authorizes the appointment of Vice Consuls and requires a recognition of their office, similar to the preceding and is admissible.

Article the Third.

Confines the offices of the Consulate and vice Consulate to Natives of the Power appointing, and excludes the holders of these offices from Commerce; and is admissible.

Article the Fourth.

With propriety licenses the appointment of agents in aid of the Consulate, but leaves uncertain what degree of authority is to be attributed to them, in derogation of municipal law.

Article the Fifth.

So far as it relates to the immunities claimed for the persons papers and houses of Consuls and vice Consuls is admissible; but the persons to be attached to the Consular functions ought to be particularly enumerated. Exemption from certain imposts, but not from all imposts is admissible and therefore a fuller explanation is necessary.

Article the Sixth.

Stipulates with reason for the freedom of funeral obsequies.

Article the Seventh.

Also requires explanation. If no more be designed than that some officer of the Country should transmit to the Consuls or Vice Consuls notice of cases occurring within their jurisdiction, it is perhaps admissible.

Article the Eighth.

Gives power to establish a Chancery for the purpose of preserving the Consular acts and decisions testaments obligations contracts, and in general every thing which respects the people of the nation, to which the Consuls may belong, without such power the Consulate would be incompetent to the protection, necessary to be afforded to his Nation.

Article the Ninth.

Is in part a consequence of the eighth, for the establishment of a Chancery necessarily implies that faith shall be given to acts authenticated under its Seal,—and testamentary cognizance, the right of inventorying and appraising the effects of the deceased. If however a Frenchman and American should be copartners in trade, and one of them happen to die, perhaps this testamentary cognizance of the Consul should be restricted to the proportion belonging to the deceased alone, if the property held in copartnership

<sup>a</sup> This order was also entered in manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4.

A motion was made by Mr. [Edmund] Randolph, seconded by Mr. [Samuel] Osgood.

That in consideration of the eminent services of Brigadier General Knox, commanding officer of the artillery of the United States; and particularly of his meritorious conduct be divisible without injury to its value. It is certainly just that the debts of the deceased should be paid before delivery be made to his heirs.

Article the Tenth.

Relates to maritime protests and damages at sea authorizing the Consuls and Vice Consuls taking experienced persons of their own nation and strangers to settle these damages where a stranger is interested. The spirit of the people of America requires a more explicit declaration, in what manner, with what proportion of Americans and by what rules such contests shall be decided.

Article the Eleventh.

Provides for the exercise of humanity and friendship to such as suffer by shipwreck, and is admissible throughout.

Article the Twelfth.

Grants complete jurisdiction to the Consuls and Vice Consuls in discussions arising on board of the vessels of their nation, authorizes them to visit such vessels at pleasure to arrest and sequester them, to send them home, to arrest masters, seamen and passengers, to reclaim their sailors, and to call upon the officers of the Country for aid. These regulations are considered as admissible, since the greater part of them flow from the stipulations in the treaty of amity and commerce in restraint of emigrations.

Article the Thirteenth.

By implication vests the Consulate with some degree of criminal jurisdiction. Its extent ought to be defined as an improper interference with the usages of America; might excite great jealousy. It is thought best that in no crime by which an inhabitant of the country shall be injured, the offender shall be withdrawn from the law of that country. But if any exception is to take place the terms "punition exemplaire," or in English exemplary punishment ought to be explained.

Article the Fourteenth.

Excludes the tribunals of the country from jurisdiction in civil disputes between those of the same nation. This is admissible throughout. If the just construction of the treaty of amity and commerce incapacitates a French or American "trader" from expatriating himself. If it does not, then the same provision should be made in favor of a trader who shall become a citizen of America, as of a trader who is already so.

Article the Fifteenth.

Proposes the establishment of tribunals for expediting commercial matters in America, similar to those which are erected in France. The particulars of these tribunals not being notified, no opinion can be given on their propriety.

Article the Sixteenth.

Interdicts a Frenchman to become an American Citizen and vice versa, and claims an exemption for him from personal service and taxes on labour. If such be the

in the siege of York, in the State of Virginia, he be promoted to the rank of major general, and take rank from the fifteenth day of November last.

That all promotions from the rank of brigadier general to major general, be according to the established rules of the promotion of colonels to the rank of brigadiers general.

language of the Treaty of Amity and Commerce, this article is admissible. If not there does not appear the same expediency in debarring a trader or other subject of France, who may come over unconnected with the navigation of any vessel, with a view of residing in America, from the rights of Citizenship, as in permitting those who belong to a vessel to be reclaimed. But howsoever this may be, it cannot be determined from what personal services or taxes he ought to be exempt without knowing from what services and taxes he is urged to be exempt.

#### Article the Seventeenth.

Recommends nothing more, than that agreeably to the Treaty of Amity and Commerce every consular privilege which may be at any time ceded to other nations, shall of right belong to the Consuls of France or America as the case may be. This is admissible.

#### Article the Eighteenth and last.

Speaks of the ratification of the Convention, which ought to be delivered and exchanged as soon as possible.

Your Committee beg leave to add that altho' the matter of the proposals be agreed to by Congress it will be necessary that the Convention should be in a stile and order better suited to the comprehension of the Citizens of America; that some additions seem requisite even now and perhaps many more may appear so upon an interview with the Deputies of the Court of France, and after an explanation of the doubtful parts, and that no proper grounds can be afforded for the judgement of Congress until a more accurate state of the business can be prepared.

*Resolved therefore*, That a Committee be appointed to confer with the Minister of the Court of France upon the proposals for the establishment of Consular Power and report to Congress the precise explanation which shall be given of them, as well as a plan of a Convention adapted to the subject and to the circumstances of America.

This report, undated and without indorsement is in the *Papers of the Continental Congress*, No. 25, II, folio 45.

The first report of the Committee was delivered, the indorsement states, August 28, 1781, and on October 15, 1781, it was recommitted to Mr. [Edmund] Randolph, Mr. [Roger] Sherman, Mr. [George] Clymer. It is in the writing of Edmund Randolph and is in No. 25, II, folios 33-44. With the alterations made after recommitment it became the report, in the writing of Edmund Randolph, submitted January 9, 1782. It is not possible to tell what alterations were made before and after recommitment. A copy of the report by a clerk is on folio 49. This was the copy submitted to Congress.

On the question to agree to this, the yeas and nays being required by Mr. [Arthur] Middleton,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	ay	)*	Mr. Hanson,	ay	} ay
<i>Massachusetts,</i>			Carroll,	ay	
Mr. Lovell,	ay	} ay	<i>Virginia,</i>		
Partridge,	ay		Mr. Madison,	ay	} ay
Osgood,	ay		Randolph,	ay	
<i>Rhode Island,</i>			<i>North Carolina,</i>		
Mr. Ellery,	ay	} ay	Mr. Hawkins,	ay	} *
Cornell,	ay		<i>South Carolina,</i>		
<i>Connecticut,</i>			Mr. Middleton,	no	} no
Mr. Law,	ay	} ay	Bee,	no	
Wolcott,	ay		Motte,	no	
<i>New York,</i>			Eveleigh,	no	
Mr. Floyd,	ay	)*	<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Telfair,	no	} no
Mr. Boudinot,	ay	} no	N. W. Jones,	no	
Elmer,	no				
Condict,	no				
<i>Pennsylvania,</i>					
Mr. Montgomery,	ay	} ay			
Clymer,	no				
Wynkoop,	ay				

So the motion was lost.

[Report of the Committee of the Week, Mr. Benjamin Hawkins, Mr. Jonathan Elmer, Mr. Samuel Osgood]

'The Committee of the Week Report,

That the memorial of Francis Cazeau late of Montreal, requesting pay for the supplies he furnished our Troops while in Canada and for the services done and losses sustained in consequence of his Attachment to the Interests of the United States, be referred to a special Committee.

That the Memorial of Capt. Philip Leibert with the vouchers inclosed be referred to the Superintendent of Finance.

That the Letter of Thos. Edison to the President of Congress be read in Congress.<sup>1</sup>

<sup>1</sup> This report, in the writing of Jonathan Elmer, is in the *Papers of the Continental Congress*, No. 32, folio 305. The indorsement indicates that it was considered this day.

THURSDAY, JANUARY 10, 1782

The committee, consisting of Mr. [Ezekiel] Cornell, Mr. [James] Lovell, Mr. [Isaac] Motte, to whom was referred a plan for conducting the inspector's department reported by the Secretary at War, delivered in their report, which being read, was agreed to as follows:

## PLAN FOR CONDUCTING THE INSPECTOR'S DEPARTMENT.

*Resolved*, That the establishment of the inspector's department by the resolutions of the 25 of September, 1780, and all subsequent resolutions relative thereto, be, and hereby are, repealed; and that the department hereafter have the following form, powers, and privileges, viz.

There shall be an inspector general of the armies of the United States, to be appointed by Congress from the general officers, and to be allowed one secretary in addition to the aids, which he has in the line of the army: the secretary shall be taken from the line, and be entitled to the pay and emoluments of an aid-de-camp. There shall be one inspector for each separate army, to be taken from the field-officers of the line of the army, to be allowed thirty dollars per month, in addition to his pay and emoluments in the line.

The inspector general or inspector of a separate army shall, once in every month, in such time, place, and mode as the Commander in Chief, or commanding officer of a separate army, shall direct, review and muster the troops of every denomination in service, at which review they shall inspect the number and condition of the men and horses, the discipline of the troops, the state of their arms, accoutrements, ammunition, cloathing and camp equipage, and make returns thereof to the Commander in Chief, or commanding officer of a separate army; noting the deficiencies, neglects and abuses, and, if possible, the manner in which they happened; and at the same time pointing out the alterations and amendments



they may think necessary, in any branch of the military system: duplicates of which returns shall be transmitted by the Commander in Chief, or commanding officer of a separate army, to the Secretary at War.

At the end of every review the commanding officer of the corps reviewed, shall exercise his corps in the manual and evolutions before the inspector, so as to enable him to inspect and report the discipline of the troops agreeably to the foregoing paragraph; and when the inspector general, or inspector of a separate army finds it necessary to have any particular evolutions or manœuvres performed, either by one or several corps, he shall furnish a plan of such evolutions to the commanding officer of the army, who will approve or amend them, and order them executed as he may think proper.

At every review, the commanding officers of companies and corps shall produce to the inspector, returns of the state of their respective companies and corps, and such other papers and vouchers relative to the enlistment of the men, as he shall think necessary: three muster-rolls shall also be made out by the commanding officer of each troop or company and signed by him, one of which shall be returned to him, certified by the inspector; one shall be certified and delivered to the regimental paymaster, to be affixed to the pay-roll, and the other shall be retained by the inspector.

The inspector general or inspector of a separate army shall, as soon as possible after every muster, transmit an abstract of the musters of the whole army in which he is serving, to the commanding officer, who shall transmit a duplicate thereof to the Secretary at War.

As soon as possible after every review, the inspector shall report to the Commander in Chief, or commanding officer of a separate army, all such soldiers whom, from inability or other causes, it may be necessary to discharge or transfer to the invalids; and no discharge shall in future be valid, un-

less signed by the Commander in Chief or officer commanding the army where such discharge is given.

The inspector general, or inspector of a separate army, shall be authorised to call on the quartermaster general, cloathier general, and field commissary of military stores, or their deputies, for returns of the articles which have been issued from and returned to their several departments by each corps, that the inspectors may see whether every article so delivered has been regularly and satisfactorily accounted for, or charged to the corps, agreeably to the established regulations.

The inspector general, or inspector of a separate army, shall be authorised and required to visit the military hospitals of the United States from time to time, to examine the general state of them, and the treatment of the patients, which he shall report to the officer commanding the army; and the director, deputy director, or superintending surgeon of any hospital, shall furnish them with such returns as they may find necessary for the better execution of their office.

The inspector general shall himself, previous to the opening and at the close of every campaign, or as often as the Commander in Chief shall think fit to order, visit every part of the army, to see that uniformity prevails throughout the armies of the United States.

The inspector general and inspectors of a separate army, in the execution of their offices, shall be subject only to the orders of Congress, the Secretary at War, Commander in Chief, or commanding officer of a separate army; and, that the inspectors may attend the better to the duties of their offices, they shall be exempted from all other duties, except when the Commander in Chief, or commanding officer of a separate army, shall think proper to order otherwise.

All returns in the inspector's department are to be made agreeably to the forms which shall be delivered by the inspector general.



Each inspector of a separate army shall be allowed to take an officer from the line of captains or subalterns, to assist him in the duties of his office, who shall be allowed ten dollars per month in addition to his pay in the line.

~~The travelling and other incidental expences for the execution of the business of the office shall be settled upon such principles as shall be established by the Commander in Chief and paid out of the military chest.~~

*Resolved*, That Major General Baron Steuben be, and hereby is, continued inspector general of the armies of these United States, and vested with power to appoint all officers necessary to carry the foregoing plan into execution, they being first approved of by the Commander in Chief.<sup>1</sup>

On a report of a committee, consisting of Mr. [Abraham] Clark, Mr. [Ezekiel] Cornell, and Mr. [Thomas] Bee, to whom was referred a memorial of the Rev. Mr. Sproat, late a hospital chaplain,

*Ordered*, That the present purveyor of the hospital, who was late assistant deputy director of the middle district, settle and certify the pay and other allowance due to the officers in the late hospital department north of Potomack, up to the 4 day of October, 1780, the time that a new choice of officers took place.<sup>2</sup>

[Motion of Mr. Abraham Clark, Mr. Ezekiel Cornell, for repealing a part of the act of 25th May 1781]

Whereas many inconveniences may arise in the promotion of general officers by the rules laid down in the act of Congress of the 25th day of May last for remedy whereof, and to place such promotions upon the rules heretofore laid down and practised by Congress,

<sup>1</sup> This report, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 22, folios 99-107.

<sup>2</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 379.

*Resolved*, That so much of the resolution of the 25th of May last as directs the forming certain districts for Brigades; and the appointment of Battalion officers to the rank of Brigadiers in such districts; and the promotion of Major Generals from the eldest Brigadiers in the Army whether belonging to the Infantry, Cavalry or Artillery be and hereby are repealed.<sup>1</sup>

FRIDAY, JANUARY 11, 1782.

The ordinance for settling public accounts was taken up for second reading and debated.<sup>2</sup>

TUESDAY, JANUARY 15, 1782

On motion of Mr. [George] Clymer, seconded by Mr. [Thomas] Bee,

*Resolved*, That the salary of George Redhead, employed by the late commercial committee to adjust the accounts of the said committee, be at the rate of six hundred dollars per

<sup>1</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, I, folio 253. The indorsement states that it was referred to the Secretary at War on this day. See *post* January 19.

On this day, according to the indorsement, was read a petition, dated Lower Dublin, Pa., January 4, 1782, from Samuel Jones. It was ordered to lie on the table. It is in No. 42, IV, folio 58.

Also, the petition, dated January 9, 1782, of John Sullivan. It was ordered to lie on the table. It is in No. 42, VII, folio 135.

Also, instructions dated October 30, 1781, from the legislature of New York to the delegates of that state relative to Colonel Van Schaick. It is in No. 67, II, folio 436.

<sup>2</sup> On this date, as the indorsement shows, was read a letter of January 1 from the Governor of Connecticut to the delegates of that State in Congress, enclosing a letter of Captain Bill. It was referred to Mr. [Daniel] Carroll, Mr. [Ezekiel] Cornell, Mr. [Edmund] Randolph, Mr. [Nicholas] Eveleigh, Mr. [Abraham] Clark. It is in the *Papers of the Continental Congress*, No. 66, II, folio 202.

Also a copy of a petition of American prisoners at Antigua to Admiral Rodney was this day referred, the indorsement states, to Messrs. [Daniel] Carroll, [Ezekiel] Cornell, [Edmund] Randolph, [Nicholas] Eveleigh and [Abraham] Clark. It is in No. 19, III, folio 423.

annum, and that the same be referred to the Superintendent of finance.<sup>1</sup>

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WEDNESDAY, JANUARY 16, 1782

On the report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Edmund] Randolph, Mr. [Ezekiel] Cornell, to whom was referred a letter, of 12th, from the Superintendent of finance,

It appearing that Mr. William Parker, one of the commissioners of the loan office for the State of South Carolina, hath deposited in the treasury of the United States loan office certificates to the amount of four hundred and two thousand dollars, enclosed in a bundle directed to the governor of Georgia, which bundle, by accident, fell into the said Parker's hands whilst in South Carolina; and which, from a view of the disturbed situation of South Carolina and Georgia, and from other prudential considerations, he thought proper to detain.

*Resolved*, That Congress entertain a due sense of the attention, integrity, and patriotism of Mr. William Parker, in preserving the loan office certificates aforesaid.<sup>2</sup>

On motion of Mr. [James] Lovell, seconded by Mr. [George] Partridge,

<sup>1</sup> On this day according to the indorsement a letter of 14th from Ebenezer Hazard, Postmaster General, was acted upon, so much as related to a dead letter being referred to Mr. [Joseph] Jones, Mr. [Elias] Boudinot and Mr. [Ezekiel] Cornell; the last paragraph being referred to the Secretary at War. It is in the *Papers of the Continental Congress*, No. 61, folio 93.

On this day, as the indorsement shows, was read a letter of January 12, from the Superintendent of Finance, enclosing correspondence with William Parker. It was referred to Mr. [Daniel] Carroll, Mr. [Edmund] Randolph, Mr. [Ezekiel] Cornell. It is in No. 137, I, folio 265.

Also, a letter of January 15 from the Superintendent of Finance on folio 301, enclosing one from Silas Deane, which was returned to the Superintendent of Finance.

Also, an undated memorial of the inhabitants of Winchester, Va., was read and referred to the Secretary at War. It is in No. 149, I, folio 133.

<sup>2</sup> This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, IV, folio 341.

*Resolved*, That in the settlement of the accounts of such officers of the hospital and medical department, as are entitled to an allowance for depreciation by any resolutions of Congress, the establishment of pay made upon the 8th day of April, 1777, be considered as specie.<sup>1</sup>

The ordinance for settling public accounts being further debated, was referred to a grand committee.<sup>2</sup>

THURSDAY, JANUARY 17, 1782

On a report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Richard] Law, and Mr. [James] Madison, to whom were referred two letters from the Secretary at War, one containing a report of the officers necessary for assisting him in the various branches of his department; and the other stating the necessity of his going to Massachusetts, and requesting permission to go there for a short time, for the purposes mentioned:

*Resolved*, That the Secretary at War be, and he is hereby, authorised to appoint the following officers, for whose conduct he shall be accountable, and who shall also be removable by him, to wit:

One assistant, whose salary shall be ~~fourteen~~ twelve hundred and fifty dollars per annum:

One secretary, whose salary shall be one thousand dollars per annum:

<sup>1</sup> This motion, in the writing of James Lovell, is in the *Papers of the Continental Congress*, No. 36, I, folio 245.

<sup>2</sup> On this day, according to the indorsement, was read a petition, undated, of Captain Augustin Loseaux. It is in the *Papers of the Continental Congress*, No. 42, IV, folio 286.

Also, a petition, dated Philadelphia, January 12, 1782, of Captain Schreiber, proposing a military school. It was referred to the Secretary at War. The Secretary at War's report, dated January 17, saying the instruction cannot be attempted with propriety is indorsed on the petition. It is in No. 42, VII, folio 143.

Also, a letter of January 11 from the Secretary at War relative to the copper hoops taken at York. It was referred to Mr. [Edmund] Randolph, Mr. [Daniel] Carroll, Mr. [Isaac] Motte, and the committee was discharged January 19. It is in No. 149, I, folio 93.

Also, a letter dated January 15 from the Assistant Secretary at War, transmitting Brigadier General Williams's request to retire. It is in No. 149, I, folio 109.

Two clerks, whose salary shall be the same as that of those in other public offices.

~~That at all times in the absence of the Secretary at War the business in the war office shall devolve on his Assistant subject to the orders of the Secretary at War who shall be responsible for the transaction of the business in his absence in the same manner as when present.~~

[That at all times in the absence of the Secretary at War, the Assistant be authorised to transact all such business within the Department as shall be assigned to him by the said Secretary, who shall be responsible for the conduct of the Assistant.]

*Resolved*, That in consideration of the reasons stated by the Secretary at War, he be informed that Congress have no objection to his being absent agreeably to his request.<sup>1</sup>

Two letters, one directed "to Barnabas Deane, esq. Mercht. Wethersfield, Connecticut," the other "to Thomas Mumford, esq. Mercht. in Groton, Connecticut," being brought to Congress with the seals unbroken and it appearing from the seal and the handwriting of the superscription as well as from the declaration of the person who brought them from France that they came from Silas Deane; and from sundry concurrent circumstances there being just grounds to suspect that they contained matters injurious to the public, it was ordered that the President open the said letters, and if upon examination he finds they are merely of a private nature that he seal and forward them; but if on the contrary he finds the contents are of such a nature as ought to be made known to Congress, that he lay them before Congress. The President reported that he has opened and examined the letters and finds that they are of such a nature as ought to be known. Whereupon, the letters were read, that directed to Barnabas Deane being dated at Paris, Sept. 26, 1781, and that to Thomas Mumford dated

<sup>1</sup> This report, in the writing of Ezekiel Cornell, except the paragraph in brackets, which is in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 27, folio 153. The Secretary at War's letter of January 11 is in No. 149, I, folio 97; his letter of January 14 is on folio 101.

at Paris, Sept. 24, 1781, both signed Silas Deane and appearing to be all in his handwriting.

On motion of Mr. [Daniel] Carroll, seconded by Mr. [Thomas] Bee,

*Ordered*, That the said letters be referred to the Secretary for Foreign Affairs, and that he be instructed to take measures by the oath of the person who brought them from France, and such other means as he may judge proper, to authenticate their coming from Silas Deane and being written by him: and that he communicate the contents, or such parts thereof as he thinks proper, to the Ministers of these United States at the Courts of Versailles and Madrid, also to the Hon<sup>ble</sup> the Minister Plenipotentiary of France and the Superintendant of Finance.

On motion of Mr. [Oliver] Wolcott, seconded by Mr. [Daniel] Carroll,

*Ordered*, That the Secretary for Foreign Affairs transmit a certified copy of the letters aforesaid, with the proofs respecting them, to his Excellency the governor of Connecticut.<sup>1</sup>

#### SATURDAY, JANUARY 19, 1782.

On a report of the Secretary at War, to whom was referred a motion of Mr. [Abraham] Clark, seconded by Mr. [Ezekiel] Cornell,

WAR OFFICE *Jany. 15, 1782.*

SIR,

I have considered the motion for repealing so much of the resolution of Congress of the 25<sup>th</sup> May last as directs the forming the United States into Districts fixing the number of Brigadiers to each, that they shall be taken from the oldest Colonel therein and that Major

<sup>1</sup> The proceedings in reference to Silas Deane's letters were also entered in the manuscript Secret Journal, Foreign Affairs.

On this day, according to the indorsement, was read a letter of December 23 from the Marquis de la Fayette. It is in the *Papers of the Continental Congress*, No. 156, folio 256.

Also, a letter of January 16, from the Secretary at War. It is in No. 149, I, folio 121.



Generals shall be taken from the oldest Brigadier Generals, and am of opinion that so much of the said resolve as refers to the matters abovementioned should be repealed.

For the number of men in the *field* should determine the number of brigades, and consequently the number of Brigadiers, and not the number of men *voted*, otherwise the Commander in Chief may feel himself in future circumscribed as he has been the last campaign and keep up eight brigades to the North of the Delaware, while he has not men sufficient to fill more than four, as was then the case, by which an expence was incurred of thirty or forty thousand dollars, more than would have arisen if the troops had been thrown into four brigades, and while these resolves remain in force, little good may be expected from the resolve of the 19<sup>th</sup> of December last by which the Commander in Chief is to point out the number of general officers he shall judge necessary to be in the field.

Besides in the Articles of Confederation the power was wisely given to Congress of appointing all officers of the land forces saving only battalion officers, this power they have in a great measure given up by the above resolve having absolutely confined themselves to the appointment of the oldest Colonel in the District to the rank of Brigadier, and the oldest Brigadier in the United States to the rank of Major General, a limitation in my opinion inconsistent with the interest of the United States.<sup>1</sup>

*Resolved*, That so much of the resolution of the 25 of May, 1781, [as directs the forming the United States into districts, the number of brigadiers in each district, that brigadiers shall be appointed from the oldest colonels in such districts respectively, and that the major generals shall be appointed from the eldest brigadiers in the United States, be, and hereby is repealed.]<sup>2</sup>

*Resolved*, That the powers vested in Thomas Barclay Esq<sup>r</sup>. so far as they relate to the settlement of the accounts of Silas Deane with the United States, be and they are hereby revoked, and if he has in virtue of the powers with which he was invested, entered upon

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 113.

<sup>2</sup> This resolution, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 36, I, folio 255.

The passage in brackets was entered in the Journal by George Bond.



the examination of the said accounts, that he transmit his proceedings thereon to the Superintendent of Finance.

That the Superintendent of Finance direct M<sup>r</sup>. S. Deane to repair to Philadelphia with his accounts and vouchers against the United States in order that they may be there liquidated and settled under the direction and inspection of the said Superintendent.<sup>1</sup>

### MONDAY, JANUARY 21, 1782

Pursuant to the order of 31 December last, the Secretary at War made a return of the officers described in the resolution of the said 31 day of December, who are to be retained in service.

WAR OFFICE *Jany. 19<sup>th</sup>, 1782.*

SIR,

I do myself the honor to enclose you a list of such of the officers described in the resolution of the 31<sup>st</sup> of December whom I presume Congress will think it expedient to retain in their service.

Your Excellency will observe by the list that the greater part are actually employed as aids to General Officers—Lt. Colonel Gimat, Major Galvan, and Capt. Seleron are particularly recommended by the minister of France and Major McPherson by the Marquis De la Fayette. Lt. Col. Hamilton's superior abilities and knowledge of his profession were the motives that induced me to insert him, and as the Marquis de Britigny suffered much from his early attachment to our Service, I have taken the liberty to add him to the list.

<sup>1</sup> This motion, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, I, folio 251. The indorsement states that it was referred on this day to Mr [Daniel] Carroll, Mr. [James] Lovell, Mr. [James] Madison.

On this day, according to the indorsement, was presented a memorial dated January 18, 1782, of James Wilson, in behalf of the owners of the ship *Marquis de la Fayette*. It was referred to Mr. [Edmund] Randolph, Mr. [William] Ellery, Mr. [Richard] Law. It is in No. 41, X, folio 589.

Also, a letter of October 15, 1781, from Oliver Pollock, which was referred to the Secretary for Foreign Affairs. It is in No. 50, folio 267. Also one of October 30 from Oliver Pollock which is on folio 271.

Also, a letter of 18 from Daniel Brodhead and S. Bayard, which was "ordered to lie." It is in No. 78, IV, folio 29<sup>1</sup>.

Also, a letter of the same date from Captain Schreiber. It is in No. 78, XXI, folio 153.

List of Officers retained in service under the Resolve of Congress of 31<sup>st</sup> December 1781.

Lt. Col. Hamilton.	Lt. Col. Gimat.
Major McPherson	Major Galvan
Captain Seleron	Lt. De Britigny
Lt. Col. John Laurens.	} Aids to the Commander in Chief.
Lt. Col. Tilghman.	
Lt. Col. Smith.	
Lt. Col. Morris }	} Aids to General Greene.
Major Burnet }	
Lyman, Aid to General Heath.	
McDougall }	} Aids to Genl. McDougall.
Platt }	
Clarkson }	} Aids to General Lincoln.
Baylis }	
Armstrong, Aid to Genl. Gates.	
A. Giles, Aid to Genl. Sinclair.	
E. Giles Aid to Genl. Smallwood.	
Capt. Capitaine }	} Aids to the Marquis de la Fayette
Pont Gibeau }	
La Collombe }	
Pontiere, Aid to Baron Steuben. <sup>1</sup>	

The list is as follows: Lieutenant Colonel Hamilton, Lieutenant Colonel Gimat, Major McPherson, Major Galven, Captain Celeron, Lieutenant de Britigny; Lieutenant Colonel John Laurens, Lieutenant Colonel Tilghman, Lieutenant Colonel Smith, aids-de-camp to the Commander in Chief; Lieutenant Colonel Morris, Major Burnet, aids to Major General Greene; Major Lyman, aid to Major General Heath; Major McDougall, Major Platt, aids to Major General McDougall; Major Clarkson, Major Baylis, aids to Major General Lincoln; Major Armstrong, aid to Major General Gates; Major A. Giles, aid to Major General Sinclair; Major E. Giles, aid to Major General Smallwood; Captain Capitaine, Captain Pontgibeau, Captain La Colombe, aids to Major General the Marquis de la Fayette; Captain Pontiere, aid to Major General Baron Steuben.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 141. The list of officers is on folio 137.

[Report of Committee of the Week, Mr. Samuel John Atlee, Mr. Silas Condict, Mr. Arthur Middleton]

The Committee of the Week Report,

1<sup>st</sup> A Petition from a number of Officers late of Col<sup>o</sup> Flowers Reg<sup>t</sup> of Artillery Artificers.

2<sup>nd</sup> A Letter from Lt Col<sup>o</sup> William Barton, praying for pay, depreciation &c.

They beg leave to recommend, That the Petition of the officers of Artificers be referred to the Secretary at War. ~~And that Col<sup>o</sup> Barton be informed by the Minister of War that he is to~~

Passed ~~be considered as coming under the Resolution of Congress of the 31<sup>st</sup> of Dec<sup>r</sup> 1781.~~<sup>1</sup>

## TUESDAY, JANUARY 22, 1782

Mr. [Samuel] Livermore, a delegate for the State of New Hampshire, attended, and produced credentials of his appointment, dated 29 December, 1781, empowering him to represent that State until the first day of November next.

State of New }  
Hampshire } In the House of Representatives Dec<sup>r</sup> 29<sup>th</sup> 1781

Voted that the Hon<sup>ble</sup> Samuel Livermore Esq be, and is hereby appointed a Delegate to represent this State in the Continental Congress untill the first day of November next unless sooner relieved or recalled by the General Assembly of this State, and that he have all the powers and priviledges which other Delegates from this State have heretofore had and enjoyed.

Sent up for Concurrence.

JOHN LANGDON *Speaker*

In Council the same day,

Read & Concurred.

JOSEPH PEARSON *Dep<sup>ty</sup> Sec<sup>y</sup>*

Copy Exa<sup>d</sup>

by JOSEPH PEARSON *Dep<sup>ty</sup> Sec<sup>y</sup>*<sup>2</sup>

<sup>1</sup> This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 307. The indorsement shows that it was passed on this day.

On this day, according to the indorsement, was read a letter of January 14 from Major General Heath. It is in No. 157, folio 439.

<sup>2</sup> The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

A committee, consisting of Mr. [Edmund] Randolph, Mr. [William] Ellery and Mr. [Richard] Law, to whom was referred a memorial of James Wilson, esq. in behalf of the owners of the ship *Marquis de la Fayette*, report,

~~“That it is inexpedient that Congress should interfere in the regulation of proceedings of the court of appeals in particular~~ give relief to a suitor in the court of appeals, where the circumstance against which relief is prayed, has been occasioned by such suitor or his friend; that in the case of the ship *Marquis de la Fayette*, the neglect which is sought to be remedied, was owing to Mr. de Valnais, who undertook the management of the interest of its owners and crew: that similar relief would be denied to a citizen of the United States, from a consideration of the great mischief which would arise by excepting particular cases from general laws on such occasions:” Whereupon,

*Resolved*, That the memorialist be informed, that Congress are of opinion, that they ought not to give relief against the neglect of the agent for the ship *Marquis de la Fayette*.<sup>1</sup>

On motion of the committee, appointed to communicate to the minister of France the plan of a convention respecting consular powers,

The Committee appointed to confer with the Minister Plenipotentiary of France on the subject of the Consular Convention, Report,

That the Minister suggested the amendments contained in the paper hereto annexed.

[here read it.]

Whereupon your Committee have resolved that the said Convention be reconsidered so far as respects the several matters contained in the said paper.

<sup>1</sup> This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, VI, folio 567.

Your Committee have farther resolved,

1. To add after the word "*Subjoined*" in the first resolution these words "Unless it shall be deemed by his Most Christian Majesty more expedient that the same should be executed in the United States."

Passed

2. To affix a preamble in the following words:

Passed

3. To insert in the second article after the word "*Majesty*" the words "and of the United States"

4. To strike out at the beginning of the fifth article, the words "*besides Consuls vice Consuls and agents.*"

Negatived

5. To strike out the word "*citizens*" wheresoever it may occur in the Convention and insert "*subjects.*"

Passed

6. To insert after the word "*Consuls*" in the 13<sup>th</sup> article the Words "*and Vice Consuls.*"

Passed

7. To insert in the 14<sup>th</sup> article, after the words "*Such Courts as*" the words, "have been or";

Passed

Also to strike out from the word "*found*" to the end of the article.

8. To add to the end of the 16<sup>th</sup> article the following words:<sup>1</sup>

*Resolved*, That the said plan be re-considered for the purpose of admitting certain amendments.<sup>2</sup>

*Resolved*, That the ministers plenipotentiary for negotiating a treaty of peace be instructed ~~to endeavor to avoid a discussion of the common right of these United States to take fish in the North American seas and in particular on the Banks of Newfoundland unless they shall have good ground to believe that an explicit recognition of that right can be obtained and in that case they are instructed to contend~~ [for an explicit acknowledgement of the common right of these United States to take fish in the North American seas and in particular on the banks of Newfoundland] with an earnestness becoming the importance of an object on which a great part of the United States absolutely

<sup>1</sup> This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 25, 11, folio 61.

<sup>2</sup> This resolution on the consular convention was also entered in the manuscript Secret Journal, Foreign Affairs. It is in the printed Secret Journal under date of January 21.

depend not only for the foundation of their commerce but for the very means of their subsistance.

(That the said ministers be farther instructed to contend for the boundaries of the United States as described in the instructions given to Mr. John Adams on the 14 day of August, 1779, with equal earnestness,) and to represent to his Most Christian Majesty that although Congress having the highest confidence in his friendship have not made ~~the fisheries~~ either of the above mentioned objects an ultimatum, yet they have the most sanguine expectations that his Majesty's friendship and influence will obtain for his faithful allies stipulations in their favour by which the peaceable enjoyment of their common right to take fish in the American seas, and particularly on the Banks of Newfoundland and the boundaries of the United States as described in the instructions above referred to, may be secured to them.<sup>1</sup>

(*Resolved*, That nothing contained in the preceding instruction shall be construed to affect any territorial dispute, at any time subsisting between the United States and an individual state or between individual states.<sup>2</sup>)

### WEDNESDAY, JANUARY 23, 1782.

*Ordered*, That Mr. [James] Lovell have leave of absence.

[Motion of Mr Oliver Ellsworth]

That the Com<sup>r</sup> for settling the acc<sup>ts</sup> of the Commissary Gen<sup>l</sup> department be directed to reduce into specie value the whole of the purchases and expenditure of the late Commiss<sup>ry</sup> Gen<sup>l</sup> Trumbull (the value to be ascertained at the end of every month) and to estimate the Commiss<sup>n</sup> on the said expenditures in specie agreeable to the rates mentioned in the act of Congress of the 31<sup>st</sup> day March 1779.<sup>3</sup>

<sup>1</sup> This resolution on the subject of the fisheries was entered only in the *More Secret Journal*.

<sup>2</sup> These resolutions are in the *Papers of the Continental Congress*, No. 25, II, folio 1. The part in brackets is in William Ellery's writing; that in parenthesis is in Edmund Randolph's writing; the rest is in the writing of George Partridge. A copy of that part of the second paragraph not in parenthesis, enciphered, is in No. 59, I, folio 155.

<sup>3</sup> This motion, in the writing of Thomas Fitzsimmons, is in the *Papers of the Continental Congress*, No. 36, I, folio 263. According to the indorsement, it was passed this day.



**THURSDAY, JANUARY 24, 1782.**

A letter, of 23, from General Washington, was read, accompanied with the proceedings of a general court martial, upon Major General Howe; the said proceedings being also read,<sup>1</sup>

*Resolved*, That the sentence of the general court martial, acquitting Major General R. Howe, with the highest honor, of the charges exhibited against him, be, and hereby is approved and confirmed.

**FRIDAY, JANUARY 25, 1782.**

The plan of a convention respecting consular powers being re-considered and amended, was read over, together with instructions to the minister plenipotentiary of these United States respecting it, and the same were agreed to by nine states.

*Resolved*, That the minister plenipotentiary of the United States at the court of Versailles be and he is hereby authorised and instructed, to enter into a convention with his Most Christian Majesty, on the part of the United States, for the establishment of consular powers and privileges, according to the scheme hereto subjoined; unless it shall be deemed by his Most Christian Majesty more expedient that the same should be executed in the United States.

That the said minister plenipotentiary use his discretion as to the words or arrangement of the convention, confining himself to the matter thereof in all respects, except as to so much of the sixth article as relates to the erection of a chapel; taking care that reciprocal provision be made for the recognition of the consuls and vice consuls of the United States, and for the admission

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 431.



of persons attached to the consulate to the privileges stipulated in the fifth article, in a manner most conducive to expedition and freest from difficulty.<sup>1</sup>

The Draft of a Convention between his Most Christian Majesty and the United States of North America, for defining and regulating the functions and privileges of Consuls, Vice Consuls, Agents and Commissaries.

The Most Christian King and the United States of North America, having, by the twenty-ninth article of the treaty of amity and commerce concluded between them, granted mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents and commissaries, and being willing, in consequence thereof, to determine and fix in a reciprocal and permanent manner the functions and prerogatives of the said consuls, vice consuls, agents and commissaries, respectively, have agreed as follows:

#### ARTICLE I.

It shall be the duty of the consuls of his Most Christian Majesty to present their commissions, in the first instance, to the United States in Congress assembled, by whom an act shall be made recognising them as such. This act shall be delivered by the consuls to the supreme executive power of the state or states to which they may be sent. Two copies of the exequatur, that is, a publick notification of the quality of the consuls, shall thereupon issue from the supreme executive power, without fees or perquisites of office, one to be retained by the consuls, the other to be published in one or more gazettes. This being done, the pre-eminences, authority and privileges, stipulated in this convention, shall be allowed to them in all places, before all tribunals, and by all persons.

#### ARTICLE II.

The consuls of his Most Christian Majesty and of the United States may appoint any number of vice consuls within their respective departments. Upon the notification of their appointment, by the consuls, to the supreme executive power of the state to which they may be sent, the exequatur shall be applied

<sup>1</sup> This resolution and the consular convention following it were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy of the resolution in Charles Thomson's writing is in the *Papers of the Continental Congress*, No. 25, II, folio 5.

for and delivered by the several states to them, in the same manner as to consuls; and thereupon the pre-eminences, authority and privileges stipulated in this convention in favour of vice consuls, shall be allowed in all places, before all tribunals, and by all persons.

ARTICLE III.

Consuls and vice consuls shall be subjects or citizens of the power appointing them, and interdicted from all traffick or commerce for their own or another's benefit.

ARTICLE IV.

Consuls may also appoint any number of agents within their departments, who may be of their own nation, or not, at pleasure. They shall receive a commission from the consul appointing. They shall not assume any pre-eminence, authority or privilege herein granted to consuls or vice consuls, nor exact any fees or reward under any pretence whatever. But they shall confine themselves wholly to the assisting of merchants, mariners and vessels, and giving information respecting them to the nearest consul or vice consul.

ARTICLE V.

There may be attached to the consulate, at the will of the consuls within their departments, any number of persons. Neither the papers nor houses of consuls or vice consuls shall be searched. Consuls and vice consuls shall enjoy full and entire immunities for their persons, and be exempt from personal service, publick offices, finding quarters for soldiers, militia duty, watch, ward, guardianship, attorneyship, committeeship, and from all duties, taxes and imposts whatsoever, on moveable property; but shall be liable in respect of real and landed property in the same manner as the subjects or citizens of the country. The arms of his Most Christian Majesty or of the United States, as the case may be, shall be placed upon the outward door of their house; and being so placed, shall entitle the house to the exemptions aforesaid. But no asylum shall be thereby obtained for malefactors or criminals, who shall be delivered up immediately on demand. The same privileges and immunities as those granted in this fifth article to consuls and vice consuls, shall be granted to persons attached to the consulate and living under

the same roof with the consuls or vice consuls; provided approbation shall be given of their number and appointment, by the supreme executive power of the state to which they may belong.

## ARTICLE VI.

Consuls, and vice consuls in places where there are no consuls, may have a chapel in their houses for the celebration of divine service, according to their religious profession. And his Most Christian Majesty and the United States shall cause particular care to be taken that no obstacle or hindrance be thrown in the way of the funeral obsequies or ceremonies observed towards the deceased of either nation.

## ARTICLE VII.

In all cases in which it may be necessary that the consuls or vice consuls should perform any juridical or official act, the publick bodies, or the persons in publick authority who shall require such act, shall either inform them thereof in writing, or send a military or civil officer with a verbal message respecting it: and the consuls or vice consuls shall, on their part, readily and *bona fide* do whatsoever may be demanded of them on these occasions.

## ARTICLE VIII.

The consuls and vice consuls respectively may establish a chancery as a depository of the consular acts and deliberations, of effects left by the dead or saved from shipwreck, of testaments, obligations, contracts, and all other acts and things done by or between people of their nation. They may appoint the officers of the chancery, administer to them an oath of office, intrust to them the keeping of the seal, and the right of affixing the same to commissions, judgments and other consular acts; and empower them to discharge the functions of notaries and registers.

## ARTICLE IX.

The consuls and vice consuls respectively shall have the exclusive right of receiving in their chancery, or on board of vessels of their nation, all the declarations and other acts which the captains, masters, seamen, passengers and merchants of their nation shall think proper to make or lodge therein; and last wills and testaments, and copies of any act duly authenticated by

the consuls or vice consuls, and under the seal of their consulate, shall receive full faith and credit in all courts of justice as well in France as in the United States. They shall also have the exclusive right of inventorying the effects of those of their nation who may die within their consulate, liquidating their accounts, and selling their moveable property. They shall call to their assistance in this business two merchants of their own nation, and of their own choice, and cause to be deposited in the chancery the effects and papers of the deceased of their own nation, without being interrupted therein by any officer, military, judiciary, or of the police. But neither the consuls nor vice consuls shall deliver the effects of the deceased or the produce of their sales over to the heir or lawful successor, or his representative or attorney, until all the debts which the deceased shall have contracted by judgment, act or bill, shall be discharged: the signature or handwriting, and genuineness thereof being first certified by two merchants of the same nation with the deceased, and of reputation. In all other cases payment of no debt shall be made, unless the creditor shall first enter into a bond, with one sufficient surety at least, who is resident on the spot, for the return of all moneys unduly received, as well the principal as interest and costs: the surety shall not be bound beyond one year in time of peace, and two years in time of war. If, however, within those terms the creditor shall call upon the lawful representative or successor to the property of the deceased, by a proper legal process, and prove his title to the money so received, the surety shall stand discharged.

#### ARTICLE X.

The consuls and vice consuls respectively shall receive the declarations, *consulats*, or other consular acts, of all captains and masters of their respective nations, for damages received at sea by leakage or the throwing of goods overboard. And all *consulats*, or other consular acts made by them in foreign ports for accidents during the voyage, shall be lodged in the chancery aforesaid. If a subject of France and a citizen of the United States be jointly interested in the cargo, the damage shall be settled by the tribunals of the country, not by the consuls or vice consuls. But where subjects or citizens of their own nation are alone interested, the consul or vice consul shall then choose experienced persons of their respective nations to settle the same.

## ARTICLE XI.

In every case of a wreck, the nearest consul or vice consul may exercise his discretion in saving the vessel wrecked, with her cargo and appurtenances, and in storing and securing what is saved; and may also take an inventory thereof. In this business no officers of the customs, of justice, of the police, or naval officer, shall interfere, but upon application made to them for their assistance, in which case they shall exert themselves in the most effectual manner. To prevent all clashing of jurisdictions in case of shipwreck, it is agreed, that where there shall be no consul or vice consul, or they may be more distant from the place of the accident than a judge of the country having authority in such cases, this judge shall immediately proceed to the exercise of his authority according to law; but shall retire upon the coming of a consul or vice consul, into whose hands he shall put the whole business, rendering an account of his transactions, and receiving from the consul or vice consul reimbursement for all expences. Whatsoever is saved shall be lodged in the nearest customhouse or naval office, or where there is no customhouse or naval office, in the nearest place of security, with an inventory prepared by the consul or vice consul, or in their absence by the judge of the country as aforesaid. Upon the order of the nearest consul or vice consul, and without any fees or perquisites for storage when lodged in publick stores, the owner may reclaim the property so saved in person, or by attorney; and may either re-export the same free from all duties of exportation, or sell it in the country, if goods of such a quality be not prohibited. In this latter case of a sale of unprohibited goods, there shall be an abatement of the duties on importation, in proportion to the damages sustained by the shipwreck, to be determined by the account taken by the consul, vice consul or judge of the country, or any other competent officer at the time of the accident.

## ARTICLE XII.

The consuls and vice consuls shall have, on board of the vessels of their respective nations, all power and jurisdiction in matters of a civil nature. They shall have the power of causing the laws, regulations, and ordinances of their respective nations, concerning navigation, to be observed on board of their said vessels. For this purpose they shall freely, and without any molestation or hindrance from any officer or other person, visit the said vessels.

They may cause to be arrested and sequestered every vessel carrying the flag of their respective nations, and even send them back to France, or the United States, as the case may be, as well as arrest any captain, master, seaman or passenger of their respective nations. They may cause to be arrested and detained in the country, sailors and deserters of their respective nations, or cause them to be transported therefrom. It shall be sufficient evidence of the sailors and deserters belonging to their respective nations, if their names appear in the registers of the vessels, or the roll of their crew. Proof being thus made concerning sailors and deserters, all tribunals, judges and officers whatsoever, shall be interdicted and disabled from taking cognizance in any manner of complaints exhibited by such sailors or deserters. But they shall be delivered up to an order signed by the consuls or vice consuls, without being detained, engaged, or withdrawn in any manner. That these powers vested in consuls and vice consuls may be completely executed, all persons in authority shall assist them; and upon a simple requisition made by the consuls or vice consuls in writing, shall cause to be kept in prison, at the disposal and cost of the consuls or vice consuls, the sailors and deserters so arrested, until an opportunity shall be presented of sending them out of the country.

#### ARTICLE XIII.

All offences committed in France by a citizen of the United States against a subject of his Most Christian Majesty, shall be inquired into and punished according to the laws of France; and those committed in any one of the United States by a subject of his Most Christian Majesty, against a citizen of the United States, shall be inquired into and punished according to the laws of such state. But offences committed in France by a citizen of the United States, against a citizen of the United States, or committed in any one of the United States by a subject of his Most Christian Majesty, against a subject of his Most Christian Majesty, shall be subject to the jurisdiction of the consuls and vice consuls of France, or of the United States, as the case may be.

#### ARTICLE XIV.

All differences and disputes between the subjects of his Most Christian Majesty in the United States, or between the citizens of the United States in France, and all differences and disputes



concerning commerce between the subjects of his Most Christian Majesty, one party being resident in France or elsewhere, and another in the United States, or between citizens of the United States, one party being resident in the United States or elsewhere, and another in France, shall be heard, tried and decided on by the consuls or vice consuls of their respective nations, either by referring the same to arbitration, or by making a decree summarily, and without costs. No officer, civil or military, shall intermeddle or interpose herein in any respect. Appeals shall be carried to such courts as have been or may be appointed by his Most Christian Majesty, and the United States, respectively. No disputes or differences, between a subject of his Most Christian Majesty and a citizen of the United States, shall be determined or taken up in any manner by the consuls or vice consuls, but shall be decided by the courts of the country in which the defendant shall be found.

## ARTICLE XV.

The advantages to commerce having caused the erection of certain tribunals in France, and particular forms for the speedy determination of commercial matters, the merchants of the United States shall enjoy the benefits of those establishments in France; and the United States in Congress assembled will recommend to the legislatures of the several states to establish equal advantages in the speedy decision of causes in favour of French merchants, in matters of the same nature.

## ARTICLE XVI.

The subjects of his Most Christian Majesty and the citizens of the United States shall be exempt from all personal services in the place of their residence, either in France or the United States, as the case may be. Whensoever any person in France or the United States, as the case may be, shall claim any privilege or exemption, as a subject of his Most Christian Majesty, or of the United States, before any judge, tribunal or officer whatsoever, a certificate of the consul or vice consul of the district containing his name, surname, and the place of his residence, and the affidavit of the person claiming such privilege or exemption, that he is a subject of his Most Christian Majesty, or of the United States, as the case may be, shall be sufficient evidence thereof, unless the contrary shall manifestly appear.



## ARTICLE XVII.

Conformably to the third and fourth articles of the treaty of amity and commerce between his Most Christian Majesty and the United States, if any other nation, by virtue of any convention whatsoever, shall receive greater indulgence, either in France or in the United States, with regard to consular powers, privileges, or authority, the consuls, vice consuls, agents and commissaries of France, and of the United States, as the case may be, shall participate therein.<sup>1</sup>

By the United States in Congress assembled. Philadelphia, January 25, 1782.

Signed, JOHN HANSON, President.

Attest.

CHARLES THOMSON, Secretary.

The plan of the convention being agreed to, it was

*Resolved*, That it be recommended to the several legislatures of these United States, to provide by law for the establishment of a speedy mode of administering justice between subjects of his Most Christian Majesty and citizens of the United States: and for vesting persons in the neighbourhood of the sea-coast, with power to secure shipwrecked property in the most effectual manner.<sup>2</sup>

The committee, consisting of Mr. [William] Ellery, Mr. [Edmund] Randolph, Mr. [Richard] Law, Mr. N[oble] W[imberly] Jones and Mr. [George] Clymer, to whom was re-committed the report of a committee, on sundry letters and papers respecting the district of country, commonly known by the name of the New Hampshire Grants, delivered in their report; which was taken into consideration and debated.

MONDAY, JANUARY 28, 1782.

Mr. T[homas] Rodney and Mr. [Thomas] McKean, delegates for the state of Delaware, attended, and took their seats.

<sup>1</sup>A copy of this convention, in Charles Thomson's writing, is in the *Papers of the Continental Congress*, No. 25, II, folios 7-13.

<sup>2</sup> This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

The committee, consisting of Mr. J[oseph] Jones, Mr. [Elias] Boudinot, Mr. [Ezekiel] Cornell, to whom was referred a letter of 14 instant from E. Hazard, inspector of dead letters, accompanied with two letters directed to Arthur Lee, esq. made report; Whereupon,

The Committee to whom were referred part of the letter of Eben. Hazard of the 14<sup>th</sup> of this month respecting dead letters, with the inclosures report,

That it appears to your Committee the packet of letters directed to Arthur Lee Esq. was advertised agreeably to the rules of the Post office by Peter Baynton Comptroller, in the Pennsylvania Packet of October the 11<sup>th</sup> 1781. That M<sup>r</sup> Lee previous to the advertisement was informed of the said letter, and refused to pay the postage saying, "he imagined it was a duplicate of what he had already received."

That the Comptroller aforesaid did on the 14<sup>th</sup> of this month deliver the said Packet as a *dead* letter to Eben. Hazard for his inspection. Whereupon the Committee are of opinion,

*Resolved*, That Ebenezer Hazard, in transmitting the packet of letters directed to Arthur Lee, esq. to the President of Congress, for the information of this body, hath done his duty:

*Ordered*, That the said packet be referred to the Superintendent of finance.<sup>1</sup>

A report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Elias] Boudinot, and Mr. [Arthur] Middleton, was taken into consideration; Whereupon,

In order that the President may be relieved from ~~that load~~ ~~of~~ the business with which he is unnecessarily incumbered, that the officers at the head of the several ~~boards~~ executive departments lately established, may be enabled to execute the duties required of them, and that business may be conducted with regularity and despatch,

<sup>1</sup> This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 19, III, folio 77.

*Resolved*, That it shall be the business of the Secretary—

1st. To transmit to the Superintendant of finance, ~~an authenticated copy of~~ all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance and resolution of Congress touching the finances of the United States ~~and particularly of those which relate to supplies, the expenditure of public money or the settlement of public accounts:~~ to the Secretary at War, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance ~~or~~ and resolution touching his department ~~and particularly of those which relate to military preparations or the land forces of the United States and:~~ to the Secretary or agent of marine, or to the person entrusted with the duties of the office of Secretary or agent of marine, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance ~~or~~ and resolution touching his department ~~and particularly those which relate to naval preparations and maritime matters:~~ and to the Secretary for foreign affairs, all papers referred to him by Congress; as well as an authenticated copy of every act, ordinance ~~or~~ and resolution of Congress touching his department ~~and particularly of those which relate to the intercourse between the U. S. and foreign nations or which it may be necessary to communicate to the Ministers of these United States at foreign courts.~~

2d. ~~To return such answers as Congress shall direct to be given to the memorials petitions and communications:~~ To keep a daily register account of all memorials, petitions and communications received by Congress, noting therein their object and the steps taken respecting them; and lay the said account or register every day, on the table of Congress for the inspection of the members.

3. To return such answers as Congress shall direct to be given to the memorials, petitions and communications, except where Congress shall judge it proper that the same

be given by their President, or where it shall be the duty of any of the executive departments to return such answers:

4th. To attend Congress during their sessions, and, in their recess, to attend the committee of the states, to read the public despatches, acts, ordinances and reports of committees, and to make the proper entries in the journals; to authenticate all acts and proceedings not specially directed to be authenticated by their President; and to keep a register of all treaties, conventions and ordinances:

5th. To cause to be made and laid upon the table for every State represented in Congress, a copy of every ordinance or report upon a matter of importance, and not of a secret nature, for the consideration of which a day is assigned:

6th. To keep the public seal, and cause the same to be affixed to every act, ordinance or paper, which Congress shall direct:

7th. To superintend the printing of the journals and publications ordered by Congress:

8th. To keep a book in which shall be noted in columns, the names of the several members of Congress, the State which they represent, the date of their appointments, the term for which they are appointed, and the date of leave of absence.

*Resolved*, That so much of the act of 22 March, 1777, as directs that attested copies of resolutions coming within the purview of this act, be sent to the President, to be transmitted by him, be, and hereby is repealed.

*Resolved*, That the salary of the Secretary of the United States in Congress assembled, be three thousand dollars per annum.

Referred to the Supt. That the salary of the deputy Secretary be  
to report dollars per an.<sup>1</sup>

The report of the committee respecting the New Hampshire Grants, was debated and referred to a grand committee.

<sup>1</sup> This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 23, folio 89.

The Committee to whom was referred the report of a Comtee on certain letters and papers relative to the people inhabiting the District of Country commonly known by the name of New Hampshire Grants report as follows:

Congress having resolved on the seventh day of August last that in case they should recognize the independence of the people of Vermont they would consider all the lands belonging to New Hampshire and New York respectively without the limits of Vermont aforesaid as coming within the mutual guaranty of territory contained in the Articles of Confederation and that the United States will accordingly guarantee such lands and the jurisdiction over the same against any claims or incroachments from the inhabitants of Vermont aforesaid and having on the twentieth day of the same month required as an indispensable preliminary to the recognition of the independence of the people inhabiting the territory aforesaid and their admission into the federal Union the relinquishment of all demands of lands or jurisdiction on the East side of the West Bank of Connecticut River and on the West side of a line beginning on the North West Corner of the State of Massachusetts thence running twenty miles East of Hudson's River so far as the said River runs North Easterly in its general course, then by the West bounds of the township granted by the late Government of New Hampshire to the river running from South Bay to Lake Champlain thence along the said river to Lake Champlain thence along the waters of Lake Champlain to the latitude of forty five degrees North excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain.

And the people inhabiting the territory afores<sup>d</sup> not having as yet made the relinquishment required but attempting to establish jurisdiction over part of the lands guarantied to the States of New York and New Hampshire.

And it being ~~the desire of Congress~~ indispensably necessary to bring all disputes respecting the jurisdiction of the people residing within ~~the district commonly known by the name of the New Hampshire Grants~~ the territory aforesaid to a speedy issue.

*Resolved*, That a Commissioner be appointed whose duty it shall be to repair to the district aforesaid and to communicate to and enforce upon the inhabitants thereof the following Resolutions:

*Resolved*, That the district of territory commonly called by the name of the New Hampshire Grants by what name soever it may be called be and shall be bounded Westward by a line beginning at the

North West corner of the State of Massachusetts thence running Northward twenty miles East of Hudson's River so far as the said river runs North Easterly in its general course, then by the west boundary line of the Township granted by the late Government of New Hampshire to the river running from South Bay to Lake Champlain, thence along the said River to Lake Champlain, thence along the waters of Lake Champlain to latitude forty-five degrees North, including a neck of land between the Missiskoy Bay and the waters of Lake Champlain, North by Latitude forty five degrees North then Eastward by the West Bank of Connecticut River from forty five degrees North to the Northern Boundary Line of the State of Massachusetts, and Southward by the said Northern boundary of the State of Massachusetts, from the said West bank of Connecticut River to the Northwest corner above mentioned.

That in case the inhabitants residing in the ~~district~~ limits aforesaid shall within ~~two months~~ one month from the date hereof ~~recognize and~~ by an authenticated Act recognize the above described boundaries to be the limits and extent of their claim and shall accede to the Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia as agreed to in Congress on the 15<sup>th</sup> day of November, 1777, and shall thereupon appoint Delegates on their behalf with full powers, instructions and positive orders immediately to repair to Congress and to sign the said Articles of Confederation and afterwards to represent them in the United States in Congress Assembled, their said Delegates shall be admitted to sign the same and thereupon the inhabitants of the above described District shall be acknowledged a free sovereign and independent State, by what name soever they shall choose to be called, and shall be considered as a component part of the federal Union and entitled to the advantages thereof.

But in case they do not ~~immediately~~ desist from attempting to exercise jurisdiction over the lands guaranteed to New Hampshire and New York aforesaid and shall not within the time above limited comply with the terms specified in the foregoing propositions, Congress will consider such neglect or refusal as a manifest indication of designs hostile to these United States and ~~the forces thereof will be employed against them accordingly~~ that all their former preten-



sions and applications heretofore made for admission into the federal Union were fallacious and delusive, ~~and that thereupon the forces of these States will be employed against them accordingly.~~

*Resolved*, That it be and hereby it is earnestly recommended to the States of New Hampshire and New York respectively to pass acts of indemnity in favour of all such persons residing without the limits above described who shall have taken part with the inhabitants residing within the same against the government of either of those States, upon their quietly and peaceably submitting themselves to the Government and Jurisdiction of those respective States to which they severally belong.<sup>1</sup>

Congress proceeded to the election of two auditors in the treasury department; and, the ballots being taken, Mr. William Geddes, and Mr. John Dyer Mercier were elected, the former having been nominated by Mr. [John] Hanson, and the latter by Mr. [Edward] Telfair.

Congress proceeded to the election of a postmaster general; and, the ballots being taken, Mr. Ebenezer Hazard was elected, having been previously nominated by Mr. [Roger] Sherman: Mr. James Bryson was elected assistant or clerk to the postmaster general, having been previously nominated by Mr. [Abraham] Clark.

*Ordered*, That the report of the Board of Admiralty, respecting a vessel dispatched by Mr. Parsons with news of the capture of St. Eustatius be referred to the Superintendent of Finance to report.

That the Superintendent of finance report the salary to be allowed to the deputy secretary of Congress.

That a letter, of 25, from the Superintendent of finance be referred to the Secretary for foreign affairs, who is to consult the judges of the court of appeals and report.<sup>2</sup>

<sup>1</sup> This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 40, II, folio 237.

<sup>2</sup> These three orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

The letter, of January 25, from the Superintendent of Finance is in the *Papers of the Continental Congress*, No. 137, I, folio 305.

On this day, as the indorsement indicates, was presented the Representation of the Townships of Guilford and Brattleborough, Cumberland Co., New York, by Seth Smith, their agent, dated January 28, 1782. It is in No. 40, II, folio 191.



## TUESDAY, JANUARY 29, 1782

A motion having been made yesterday, and a question taken for the choice of a major general, which passed in the affirmative; and immediately after a motion being made to re-consider the motion passed, which was also determined in the affirmative; the sense of the house is required, whether in this case the original motion and the motion for re-considering, shall be entered on the journal.

On this the yeas and nays being required by Mr. [Thomas] Bee,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	ay	}	Mr. Rodney,	ay	}
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Partridge,	no	}	Mr. Hanson,	no	}
Osgood,	no		Carroll,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	}	Mr. Jones,	no	}
Cornell,	no		Madison,	no	
<i>Connecticut,</i>			Randolph,	ay	
Mr. Law,	ay	}	<i>North Carolina,</i>		
Wolcott,	no		Mr. Hawkins,	ay	}
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Floyd,	no	}	Mr. Middleton,	ay	}
<i>New Jersey,</i>			Bee,	ay	
Mr. Clark,	no	}	Motte,	ay	
Boudinot,	ay		Eveleigh,	ay	
Condict,	no		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. N. W. Jones,	ay	}
Mr. Montgomery,	no	}			
Atlee,	ay				
Clymer,	no				

So it passed in the negative.

On the report of a committee, consisting of Mr. [William] Floyd, Mr. [Ezekiel] Cornell and Mr. [Arthur] Middleton, to whom was referred a memorial of John Edgar, stating the

losses he has suffered for his attachment to the cause of the United States, and praying for a compensation:

The Committee to whom was referred the memorial of John Edgar, Report, that the request in the said Memorial cannot be complied with, and that the memorial be filed, for consideration at some future day when matters of a similar nature may be provided for.<sup>1</sup>

*Ordered*, That the memorial be filed for consideration at some future day, when matters of a similar nature may be provided for.

Minutes of a Communication made by the Minister of France to the Secretary for Foreign Affairs, and by him laid before Congress.<sup>2</sup>

The minister of France informed me, that he was desirous of making some communications from letters received by the Sybil. Ten o'clock this day was appointed to receive them. He accordingly came, and read to me passages of a letter of Count de Vergennes to him, dated October 17, 1781, which contained in substance:

That France wished (as was evident from her going into the war on our account) to obtain every advantage for us. That powers at war must often be governed by circumstances. That if events would enable her to command them, we might depend on every thing she could obtain. That her political system depended not only on America, but on the other powers at war. That if France should continue hostilities merely on account of America, after reasonable terms were offered, it was impossible to say what the event might be. That his

<sup>1</sup> This report, in the writing of William Floyd, is in the *Papers of the Continental Congress*, No. 19, II, folio 209.

<sup>2</sup> These Minutes, La Luzerne's note, and the order following it, were entered only in the manuscript Secret Journal, Foreign Affairs. The Minutes are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 138, and Luzerne's note in V, 136.

Majesty was however, at all events, determined to adhere to the true principles of the alliance, and would farther endeavour to obtain for us whatever we demanded, as far as events would justify.

He observed, that people in America appeared to be greatly deceived with respect to the disposition of the belligerent and mediating powers, and to imagine that all were anxious for a peace; but this was so far from being the case, that Great Britain had not yet returned any answer to the overtures of the imperial courts; nor had any reply been made by the latter to the answer given them by France: from which delay it might be easily imagined peace was far distant. That from the present situation of Spain, there was strong reason to suppose she could not spare us any money, her own operations requiring all she had. That he hoped France would not be called upon to make up her deficiencies, as they were in no situation to make new grants. Besides, that in order to rid us of our embarrassments, they had already made efforts in our behalf, which they had reason to believe exceeded our expectations; and that what they had done for America this year entitled them to an exemption from further demands.

In a letter of October 20, 1781, from the Count de Vergennes to the minister of France, it is observed, that the United Provinces would not embarrass themselves at present by an alliance with us; that in this they will follow the example of Spain; that, however, it will be prudent to keep an agent in Holland, and direct him to advise constantly with Dr. Franklin, that we may observe some consistency in our politicks. That he fears America founds hopes on the aid of Russia; that nothing can be more groundless; that though he believes she is not averse to the independence of America, yet

we ought not to expect that she will move a step in our favour; that she has no particular interest in terminating the war; that as she means to assume the character of a mediator, she must preserve that of justice and impartiality; that nothing therefore can extort from her measures that are favourable to us, but a conviction that we cannot be brought back to the dominion of Great Britain. That this should lead us to think (a sentiment which he desires the minister to inculcate) that our success depends upon our exertions, and upon our relinquishing the inactivity into which false hopes, excited by success, do sometimes plunge us.

He repeated, That France could lend us no more money; that the ten millions borrowed upon our account in Holland were greatly sunk by advances made in France; that no bills would be paid in France which the minister did not authorise us to draw; that he hoped our officers would have too much prudence to risk the credit of the United States by drawing; that the negotiations are still inactive, and will remain so till events oblige one or other of the parties to sue for peace. That the success of the expedition against Portsmouth (that being the supposed post of Cornwallis) might possibly have some effect. That the great object of England is America; that she will not cede it while she can carry on the war; that she will certainly make great exertions the ensuing campaign; that equal exertions are therefore necessary on our part. That Spain and Holland view America as the great obstacle to a peace, from which consequences may flow which people of judgment may easily foresee.

(Signed)

ROBERT R. LIVINGSTON.

The minister of France sent to Congress a note of which the following is a translation:

## NOTE.

Philadelphia, January 28, 1782.

The undersigned minister plenipotentiary of France to the United States has the honour to inform Congress, that the loan of ten millions of livres, opened in Holland for account of the United States, was in a great measure full in the month of October last, and that the interest is settled at four per cent. It is therefore now proper that the Congress should send Doctor Franklin the necessary instructions and power to pass acts binding the United States to his Majesty to pay this loan, as well as the interests and costs arising thereby. The undersigned has informed the Superintendant of Finance, that after deducting advances, which His Majesty has made on the credit of that loan, there would remain about four millions of livres at the disposition of the United States when it shall be fully completed.

Le Chev. de la Luzerne.

*Ordered*, That the foregoing note, with the communications made to the Secretary for Foreign Affairs, be referred to him to report.<sup>1</sup>

## FRIDAY, FEBRUARY 1, 1782.

An ordinance reported by a committee, consisting of Mr. [Edmund] Randolph, Mr. [William] Ellery and Mr. [Richard] Law, containing instructions to the captains of armed ves-

<sup>1</sup> On this day, according to the indorsement, was read a letter from Major General Greene, dated Head Quarters at the Round O December 9, 1781. "So much of the within as relates to retaliation referred to the Committee appointed to confer with the Commander in Chief, Mr. Carroll &c." It is in the *Papers of the Continental Congress*, No. 155, II, folio 373.

sels, was read a first time, and Monday next assigned for the second reading.<sup>1</sup>

**MONDAY, FEBRUARY 4, 1782.**

The ordinance containing instructions to the captains of armed vessels, was taken up for a second reading, and was debated by paragraphs:

The same was continued on Tuesday, and the paragraph relating to prisoners was re-committed, and the further consideration of the ordinance postponed.

**TUESDAY, FEBRUARY 5, 1782.<sup>2</sup>**

On the report of the Secretary for foreign affairs, to whom was referred the note from the honourable the Minister Plenipotentiary of France,

*Resolved*, That the following powers and instructions be given to the Minister Plenipotentiary of the United States of America at the Court of Versailles.

<sup>1</sup> On this day, according to the indorsement, was presented a letter of Jany. 30, from Jonas Fay and Ira Allen, enclosing a duplicate of their reappointment. It is in the *Papers of the Continental Congress*, No. 40, II, folio 207.

Also, a letter of January 31 from Ebenezer Hazard, accepting the office of Postmaster General. It is in No. 61, folio 101.

Also, a letter of January 31, from James Bryson, accepting appointment as assistant or clerk to the Postmaster General. It is in No. 78, IV, folio 295.

Also, a letter of January 30, from William Ramsey, Cornelius Comegys, George Hopes and William Simmons, Clerks of Accounts, and Patrick Ferrall, Clerk to the Comptroller, asking for an increase of salary. There is indorsed on the report, in the writing of Elias Boudinot, the following: "The Committee of the week report that this letter lie on the table." It is in No. 78, VI, folio 79.

Also, a letter of January 31 from William Geddes accepting the appointment of an auditor for the Treasury department. It is in No. 78, X, folio 385.

Also, a letter from John D. Mercier dated January 31, accepting the appointment of an auditor in the Treasury department. It is in No. 78, XVI, folio 283.

Also, a letter of January 31 from the Superintendent of Finance. It was referred to Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [James] Madison. It is in No. 137, I, folio 309.

Also, a letter from General Washington, dated Philadelphia, January 30. It was referred to Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [James] Madison. It is in No. 152, X, folio 435.

<sup>2</sup>The proceedings of February 5 were entered only in the manuscript *Secret Journal*, Foreign Affairs, and in *Secret Journal*, No. 4.



To the hon<sup>ble</sup> Benjamin Franklin, Minister Plenipotentiary from the United States of America, to his Most Christian Majesty:

Whereas the minister of his Most Christian Majesty hath informed the United States in Congress assembled, that the loan of ten millions of livres tournois, opened in Holland on account of these United States, was in a great measure completed in October last, and requested in consequence thereof, that full powers might be expedited to bind these United States to discharge the principal and interest of the said loan agreeably to the terms thereof, with such expences as might have accrued in making such loan: You are therefore hereby authorised, directed and empowered, to enter into such engagements with his Most Christian Majesty, with the States General of the United Provinces, with any particular state or province, or with any man or body of men whatsoever, with whom you may find it necessary to enter into engagements, for the purpose of binding these United States to discharge the said loan with the interest, agreeably to the terms thereof; and also for the repayment of such expences as have arisen, or may arise by reason of the said loan. And the said United States of America do hereby pledge their faith to confirm what you shall execute in pursuance of the above power.

Done at Philadelphia, the fifth day of February, in the year of our Lord, one thousand seven hundred and eighty-two, and in the sixth year of our independence.

By the United States in Congress assembled.

JOHN HANSON, President.

CHARLES THOMSON, Secretary.<sup>1</sup>

<sup>1</sup> On February 6, according to the indorsement, was read a letter of January 21 from the Governor of Virginia. It was referred to Mr. [Ezekiel] Cornell, Mr. [Nicholas] Eveleigh, Mr. [Joseph] Jones to confer with the Superintendent of Finance and Commander in Chief, and is in the *Papers of the Continental Congress*, No. 71, II, folio 345.



## THURSDAY, FEBRUARY 7, 1782

The committee, consisting of Mr. [Samuel] Livermore, Mr. [Samuel] Osgood, Mr. [William] Ellery, Mr. [Richard] Law, Mr. [William] Floyd, Mr. [Abraham] Clark, Mr. [George] Clymer, Mr. [Daniel] Carroll, Mr. J[oseph] Jones, Mr. [Benjamin] Hawkins, Mr. [Nicholas] Eveleigh and Mr. [Edward] Telfair, to whom was referred a report of the Superintendent of finance touching the settlement of public accounts, having delivered in a report, the same was taken into consideration, and, after debate, re-committed.<sup>1</sup>

## FRIDAY, FEBRUARY 8, 1782

The Secretary for foreign affairs, to whom were referred sundry communications from the hon<sup>ble</sup> the Minister plenipotentiary of France, delivered in a report, part of which was agreed to, and the remainder referred to a committee.<sup>2</sup>

The Secretary for Foreign Affairs having stated to Congress a verbal communication made to him by the Minister of France from letters lately received from the Count de Vergennes which contain among other things an opinion that his Catholick Majesty will not have it in his power to advance any money to the United States; and expressing, in strong terms, his hope that the United States will not imagine that France should make up the sums they expected from Spain, after the assistance they have already derived from France—

*Resolved*, That Congress are fully sensible of the frequent, friendly and generous interposition of his Most

<sup>1</sup> On this day, according to the indorsement, was read the petition, dated Philadelphia, February 1, 1782, of Jacob Concklin and David Ostrander and others. It was dismissed. It is in the *Papers of the Continental Congress*, No. 42, II, folios 156 and 158.

Also, a letter of February 4, from the Superintendent of Finance in reference to expenses of officers when on special service. The indorsement states: The resolution of 1778 repealed 1 February, 1781. It is in No. 137, I, folio 313.

<sup>2</sup> The preamble and resolutions following it were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, Vol. III.

Christian Majesty in their behalf, and are led from thence to hope a continuation of his assistance, since nothing has been wanting on their part so to apply the aid he generously affords as to distress the common enemy, and lead to the great object of their alliance, a safe and honourable peace.

*Resolved*, That Congress cannot, without injustice to themselves and their ally, withhold from him a knowledge of their present circumstances, or neglect to mention the ruinous consequences that may attend a refusal of those aids, which as well the friendly dispositions of his Most Christian Majesty, as the success that hath attended his interposition in their behalf, gave them reason to hope would be continued till the states, which have lately been ravaged by the enemy, had so far recovered their commerce and agriculture as to be able more effectually to contribute to the general expence; and that his Majesty may be assured that their applications for this purpose shall not exceed what may be absolutely necessary for the support of the common cause.

*Resolved*, That the Secretary for foreign affairs, consulting with the Superintendant of finance, explain to the minister of the United States at the Court of Versailles the extensive advantages which have resulted from moneys supplied by his Most Christian Majesty to these United States, and the engagements which have been entered into with a view to render the next campaign decisive, the consequence of failing in those engagements, and the little prospect there is of fulfilling them without an additional loan or subsidy, for the year 1782, of at least twelve millions of livres tournois, in order that the said minister may present a memorial on this subject to his Most Christian Majesty, and at the same time lay before him the several resolutions

lately passed by the United States in Congress assembled, which evidence their unalterable resolution to make every exertion for a vigorous campaign which their present situation will allow.

*Resolved*, That the Minister Plenipotentiary of the United States of America at the Court of Versailles be and he is hereby instructed and empowered to borrow, on account of these United States, the sum of twelve millions of livres tournois, and to enter into engagements on the part of the United States for the repayment of the same, together with the interest, which is not to exceed the terms allowed or given on national security in Europe.

*Ordered*, That the remainder of the report of the secretary for foreign affairs be referred to a committee.

The Committee of the week [Mr. Thomas Smith, Mr. Edward Telfair, Mr. Isaac Motte] report, That the petition of Bedford Williams be referred to the same committee that the petition of Dr. Jackson was referred to.

That the petition of John Anderson be referred to the committee who were appointed to confer with the Superintendent of Finance on his letter of the 31st ulto.<sup>1</sup>

#### MONDAY, FEBRUARY 11, 1782

On a report of a committee, consisting of Mr. [George] Clymer, Mr. [Samuel] Osgood and Mr. [James] Madison, to whom was referred a letter of February 1st, from the Superintendent of finance, Congress came to the following resolution:

Whereas the traders capitulants at York-town in Virginia, by the ninth article of the capitulation, are allowed to dis-

<sup>1</sup> This report, in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 32, folio 317. The indorsement states that it was passed on this day.

The petition, dated Philadelphia, February 6, 1782, from John Anderson, soliciting permission to export tobacco from Virginia to New York, to pay for goods bought under the capitulation of York, was referred to Mr. [George] Clymer, Mr. [Samuel] Osgood, Mr. [James] Madison, and is in No. 42, I, folio 49.

pose of and remove their effects; and having in consequence thereof made sale of their said effects, and being thereby empowered to receive and carry off the monies arising therefrom, have applied for permission to export tobacco to the amount thereof:

*Resolved*, That the secretary of Congress be, and hereby is empowered to grant letters of passport and safe conduct for the exportation of such tobacco to New York, on the conditions and under the limitations which shall, to the said Secretary and to the Superintendant of the finances of the United States, appear most proper and beneficial to the said states, being consistent with the said capitulation: provided always, that permission be not given for the exporting of tobacco, beyond the amount of the produce of the sales of the said goods belonging to the capitulants abovementioned.<sup>1</sup>

On a report of a committee, consisting of Mr. [George] Clymer, Mr. [Samuel] Osgood and Mr. [James] Madison, to whom was referred a letter of January 30, from the Commander in Chief,

That they have taken the same into their consideration, and are of opinion that to admit the States individually to furnish cloathing for their own troops would be inconsistent with the resolutions of the 18 June last, whereby it is provided that the cloathing for all the troops of the United States indiscriminately be issued from the department of the cloathier general—therefore

*Resolved*, That the cloathier general be, and he is hereby directed to agree for and purchase of the State of Massachusetts, all such cloathing as may have been or shall be provided by that State, before the opening of the ensuing campaign; and that he take charge of the said cloathing; and that the amount thereof be passed by the United States to the credit of the said State on the requisitions previous to the 30th day of October, 1781.<sup>2</sup>

<sup>1</sup> This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 19, IV, folio 343.

<sup>2</sup> This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 381.

On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Elias] Boudinot and Mr. T[homas] Smith, to whom was referred a memorial of James Wilson, in behalf of David Gardner, Nathaniel Fanning, Jeremiah Wells, Selah Havens, James McClure and Nathan Woodhull, praying for reasons therein specially set forth, that their appeal against the sentence of the courts of admiralty in the State of Connecticut, may be received:

*Resolved*, That the court of appeals be, and hereby is authorised to hear the parties on the subject matter of the said memorial, and to do what shall thereupon appear to the said court just and right, the act of the 24th day of May, 1780, notwithstanding.<sup>1</sup>

On motion of Mr. [Edmund] Randolph,

*Resolved*, That it be an instruction to the Secretary for Foreign Affairs to endeavor to collect, in as authentic a form as possible, such papers as may tend to evidence the limits claimed by the United States in the resolution of the 13th day of August, 1779.<sup>2</sup>

*Ordered*, That the letter of February —, 1782, from the Superintendent of Finance, respecting the delinquency of the states in granting the duty of five per cent, and raising their quotas of men and money, be referred to a committee consisting of Mr. [Ezekiel] Cornell, Mr. [Arthur] Middleton, Mr. [Samuel] Osgood, Mr. [Elias] Boudinot, Mr. [Daniel] Carroll, who are to confer with the Superintendent of Finance, Commander in Chief, and Secretary at War, and to report a circular letter to the states.

That a letter, of the 1st of February, from Baron D'Arendt, be referred to the Superintendent of Finance.<sup>3</sup>

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 41, VII, folio 78. James Wilson's memorial is on folio 75.

<sup>2</sup> This motion, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 36, I, folio 261.

The resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

<sup>3</sup> These two orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

The letter from the Superintendent of Finance, respecting the delinquency of the states in granting the duty of five per cent, is in the *Papers of the Continental Congress*, No. 137, I, folios 317-329. It is dated February 11, 1782.

The Committee [Mr. George Clymer, Mr. Samuel Osgood and Mr. James Madison] on the petition of John Anderson, report,

That the prayer of the petition, to have liberty to export Tobacco from Virginia to New York, cannot be complied with.<sup>1</sup>

### WEDNESDAY, FEBRUARY 13, 1782

On the report of a committee, consisting of Mr. [Thomas] McKean, Mr. [Elias] Boudinot and Mr. [Samuel] Livermore, to whom was referred a report of a committee on a letter of the 22 August, 1781, from Perez Morton to Mr. Lovell:

*Resolved*, That Michael Hillegas, Esq. treasurer of the United States of America, be, and hereby is directed to execute a letter of attorney, authorising Perez Morton, at his own risk and expence, to sue and prosecute the obligation executed by John Ravel, mariner, captain or commander of the private sloop of war the *Morning Star*, and Nathaniel Silsbee, merchant, his surety, for the use of the United States; and upon recovering or receiving the penalty thereof, to pay the same, after deducting the necessary charges, into the treasury of the United States, subject to the distribution of Congress, amongst the parties aggrieved at that time by the malversation of the said John Ravel, according to the injuries they may respectively have received; and that the overplus (if any) be retained for the use of the said John Ravel or his said surety.<sup>2</sup>

On report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Nicholas] Eveleigh and Mr. J[oseph] Jones, to

<sup>1</sup> This report, undated, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, I, folio 81. Committee Book No. 186 shows that the committee was appointed February 8, and the report delivered February 11.

On this day, according to the indorsement, was read a memorial of the merchants and traders of Philadelphia. It was referred to Mr. [Thomas] McKean, Mr. [George] Clymer, Mr. [William] Ellery. It is in No. 41, VI, folio 269.

<sup>2</sup> This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 19, IV, folio 447. The resolution was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4, folio 161. A copy is in Secret Journal No. 6, Vol. III, folio 157. It appears in the printed Secret Journal under date of February 12.



whom was referred a letter of 21 January last, from the governor of Virginia, with the copy of a letter of the 27 December, 1781, from Major General Greene to the said governor,

~~That such parts of these letters as respects the necessity of sending on reinforcements to the Army under the command of General Greene be referred to the Commander in chief to take such order in the same as he shall judge proper.~~

*Ordered*, That the Superintendant of finance take immediate measures for supplying the army under the command of Major General Greene, with salt and rum, and for furnishing such equipments and other supplies as may be necessary for expediting the march of such troops as the Commander in Chief may order to the support of the southern states.

*Resolved*, That it be earnestly recommended to the executive authority of the State of Virginia, ~~to use every means in their power~~ to take decisive and effective measures to furnish the men and beef required by General Greene in his letter of the 27 of December last.<sup>1</sup>

The consideration of the ordinance containing instructions to captains of private armed vessels, was resumed, and after debate,

*Ordered*, That it be re-committed, and that the committee confer with the agent of marine.

The Committee of the Week [Mr. Joseph Montgomery, Mr. Nicholas Eveleigh, Mr. Noble Wimberly Jones] beg leave to report.

That the memorial of the Commissioners of the County and City of Philadelphia claiming rent due, for the use of the  
 Passed                      new goal, in this city be referred to the Superintendant of Finance, to ~~take order to have the affair settled with said commissioners~~<sup>2</sup> report,

<sup>1</sup> This report, in the writing of Joseph Jones, is in the *Papers of the Continental Congress*, No. 20, II, folio 265.



That the petition of Mr Prioleau for restitution for several houses destroyed at Charlestown by order of General Lincoln Passed  
~~be returned to the petitioner with the other papers~~  
~~accompanying the same as nothing can be done in such affairs at~~  
~~present~~ filed in the Auditor General's office.<sup>1</sup>

## THURSDAY, FEBRUARY 14, 1782

Mr. [Thomas] McKean, a delegate for the State of Delaware, attended, and produced credentials of the delegates of that State; whereby it appears, that on the second of this month, the hon. Thomas McKean, Philemon Dickinson, Cæsar Rodney, and Samuel Wharton, esqrs. were elected for the present year.

In the General Assembly of the Delaware State,  
 Saturday, P. M. February 2<sup>d</sup> 1782.

The Council and House of Assembly having met in the Council Chamber, proceeded, by joint Ballot, to the Choice of Delegates to represent this State in the Congress of The United States of America for the present Year, and the Box containing the Ballots being examined by the Speakers of both Houses, in the Presence of the Members, the Honorable Thomas McKean, Philemon Dickinson, Caesar Rodney and Samuel Wharton, Esquires, are declared duly elected.

Extract from the Minutes,

Ja<sup>s</sup> Booth Clk of Assembly.<sup>2</sup>

Mr. J[ohn] M[orin] Scott, a delegate for the State of New York, attended, and took his seat.

On the report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Thomas] Bee and Mr. [Samuel] Osgood, appointed to report on the mode of propounding questions,

<sup>1</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 32, folio 315. The indorsement states that it was passed this day.

On this day was read, according to the indorsement, a memorial of John Durham Alvey, postmaster for the headquarters of the army, dated Philadelphia, February 6. It was referred to Mr. [Ezekiel] Cornell, Mr. [Joseph] Montgomery and Mr. [Abraham] Clark. It is in No. 41, I, folio 75.

On this day, according to the indorsement, a letter dated February 13, was read, from Jonas Fay, Ira Allen and Abel Curtis, delegates for Vermont. It is in No. 40, II, folio 235.

<sup>2</sup> The original is in the *Papers of the Continental Congress*, Delaware, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

The committee, to whom it was referred to report the form in which questions touching amendments shall be propounded report:

*Resolved*, That it be a standing rule of Congress,

*Resolved*, That whensoever a motion is made for striking out one or more words in order that something may be inserted in its stead, the debate shall turn upon the propriety of the proposed insertion, and the question shall be "*Shall the proposed amendment be made?*" That whensoever a motion is made for striking out one or more words, but no proposition is made to insert any thing else, the question shall be upon the words proposed to be struck out, in the following manner, "*Shall these words stand?*"<sup>1</sup>

A letter, of January 3d, from Charles Fleming, who was on the 7th October, 1780, appointed on the part of the United States, one of the persons to endorse the bills emitted by Virginia, pursuant to the Act of the 18 March, 1780, was read, informing that it is inconvenient for him to continue in the business, and resigning that appointment.<sup>2</sup>

#### MONDAY, FEBRUARY 18, 1782

On the report of a committee, consisting of Mr. [Elias] Boudinot, Mr. [Ezekiel] Cornell and Mr. [Samuel] Osgood, to whom was referred a motion of Mr. [Elias] Boudinot, to empower the Commander in Chief to negotiate a cartel or cartels with the enemy for safe keeping, exchanging and better treating of prisoners of war:

The Committee to whom the resolution relating to the confinement of marine prisoners was committed, report the following resolution:

*Resolved*, That the Commander in Chief be, and he is hereby authorised to negotiate a cartel or cartels, either general or special, with the enemy; stipulating for the subsistence, safe keeping, exchanging, liberating, and better treating of all prisoners of war, whether of land or sea, in such manner, and

<sup>1</sup> This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 23, folio 119.

<sup>2</sup> Fleming's letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 499.

on such terms as he shall judge expedient and beneficial for the United States; ~~and also to include therein all citizens not found in arms, who have been or hereafter shall be captured by either power, so that citizen shall be exchanged for citizen in all cases of their capture to take~~ such measures for the liberation of citizens who have been captured not in arms, as may seem expedient; or to negotiate any separate treaty concerning such citizens, for the mutual prevention of any future captures: provided such cartel, cartels and agreement, establish rules for the similar treatment of prisoners of war and citizens captured by either power in all cases whatsoever.<sup>1</sup>

That the Commander in Chief be also empowered to take measures for settling all past accounts respecting prisoners, and that all former resolutions relative to the exchange of prisoners by the Commander in Chief be repealed.

*Resolved*, That nothing contained in the resolution of this date for authorising the Commander in Chief to negotiate a cartel with the enemy be construed to authorise the exchange of Lieutenant General Cornwallis by composition.<sup>2</sup>

## TUESDAY, FEBRUARY 19, 1782

Mr. Arthur Lee, a delegate for the Commonwealth of Virginia, attended and produced credentials, by which it appears that on 28 December last, he was appointed to continue until the first Monday in November next.

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 28, folio 57.

<sup>2</sup> This paragraph, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 28, folio 59.

On this day, according to the indorsement, was read a letter, of the 16th, from Jonas Fay, Ira Allen and Abel Curtis. It is in No. 40, II, folio 251.

Also, a letter of the same date, from Baron d'Arendt. It is in No. 78, VII, folio 445.

Also, a letter of the same date from the Superintendent of Finance. A part of the letter is in No. 137, I, folio 333.

Virginia to wit,

IN THE HOUSE OF DELEGATES,

Friday the 28<sup>th</sup> of December 1781.

*Resolved* that Arthur Lee Esquire be appointed a delegate to represent this Commonwealth in the Congress of the United States, until the first Monday in November next.

Teste,

John Beckley C: HD.

Friday

the 28<sup>th</sup> of December 1781.

Agreed to by the Senate.

Teste,

William Drew C: S.

A Copy

John Beckley C: HD.<sup>1</sup>

A letter, of 15, from Major General R. Howe, was read, requesting that the proceedings of the general court martial on his trial, be printed by Congress.<sup>2</sup>

On the question to agree to this request, the yeas and nays being required by Mr. [Arthur] Middleton,

*New Hampshire,*

Mr. Livermore, ay } \*

*Massachusetts,*

Mr. Partridge, no }  
Osgood, no } no

*Rhode Island,*

Mr. Ellery, ay }  
Cornell, no } div.

*Connecticut,*

Mr. Law, ay }  
Wolcott, ay } ay

*New York,*

Mr. Scott, ay }  
Floyd, ay } ay

*New Jersey,*

Mr. Clark, no }  
Boudinot, ay } no  
Condict, no }

*Pennsylvania,*

Mr. Montgomery, no }  
Atlee, ay } div.

*Maryland,*

Mr. Hanson, ay }  
Carroll, no } div.

*Virginia,*

Mr. Jones, no }  
Madison, no }  
Randolph, no } no  
Lee, no }

*North Carolina,*

Mr. Hawkins, ay } \*

*South Carolina,*

Mr. Middleton, ay }  
Bee, ay }  
Motte, ay } ay  
Eveleigh, ay }

*Georgia,*

Mr. Telfair, ay }  
N. W. Jones, ay } ay

<sup>1</sup> The original is in the *Papers of the Continental Congress, Virginia, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the *Journal*.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 160, folio 527.

So the question was lost.

A motion was then made by the delegates of Georgia,

That the delegates of Georgia be furnished with a certified copy of the proceedings of the court martial on the trial of Major General Howe.

A motion was made by Mr. [George] Partridge, seconded by Mr. [Ezekiel] Cornell,

That the consideration of that motion be postponed.

On the question for postponing, the yeas and nays being required by Mr. N[oble] W[imberly] Jones,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Livermore,	no }	*	Mr. Hanson,	ay }	ay
<i>Massachusetts,</i>			Carroll,	ay }	
Mr. Partridge,	ay }	ay	<i>Virginia,</i>		
Osgood,	ay }		Mr. Jones,	ay }	no
<i>Rhode Island,</i>			Madison,	no }	
Mr. Ellery,	ay }	ay	Randolph,	no }	
Cornell,	ay }		Lee,	no }	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Law,	ay }	ay	Mr. Hawkins,	no }	*
Wolcott,	ay }		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Middleton,	no }	no
Mr. Scott,	ay }	div.	Bee,	no }	
Floyd,	no }		Motte,	no }	
<i>New Jersey,</i>			Eveleigh,	no }	
Mr. Clark,	ay }	ay	<i>Georgia,</i>		
Boudinot,	ay }		Mr. Telfair,	no }	no
Condict,	ay }		N. W. Jones,	no }	
<i>Pennsylvania,</i>					
Mr. Montgomery,	ay }	ay			
T. Smith,	ay }				
Atlee,	no }				

So the question was lost.

After further debate, the previous question was moved by the State of Rhode Island, seconded by the State of Pennsylvania, and on the question, the previous question was determined in the affirmative, and the main question set aside.

On motion of Mr. [Edmund] Randolph, seconded by Mr. [James] Madison,

*Ordered*, That the proceedings of Congress, approving the sentence of the court martial on the trial of Major General Howe, be published.

The committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Joseph] Montgomery, and Mr. [Abraham] Clark, to whom was referred a memorial of John Durham Alvey, made report; Whereupon,

*Resolved*, That John Durham Alvey, postmaster to the main army, be allowed for his past services to this day, the sum of forty dollars per month, in full of all allowances; and that the postmaster general settle his accounts accordingly:

That the postmaster general take order for procuring and appointing a suitable person, on the best terms he can, to serve as postmaster to the main army, and report to Congress.<sup>1</sup>

The committee, consisting of Mr. [Samuel] Livermore, Mr. [George] Partridge, Mr. [Ezekiel] Cornell, Mr. [Richard] Law, Mr. [William] Floyd, Mr. [Elias] Boudinot, Mr. [George] Clymer, Mr. [Thomas] Rodney, Mr. [Daniel] Carroll, Mr. [Edmund] Randolph, Mr. [Benjamin] Hawkins, Mr. [Arthur] Middleton, Mr. [Edward] Telfair, to whom was referred the report of a committee on sundry papers relative to the people inhabiting the district of country known by the name of the New Hampshire Grants, together with a representation of Seth Smith, and a letter of 20 January, from Jonas Fay and Ira Allen, having delivered in a report, the same was taken into consideration, and some time spent thereon.

The Committee of the Week [Mr. Richard Law, Mr. John Morin Scott, Mr. Silas Condict] report,

That the memorial of Colonel Peter Gansevoort relative to rank and being called into service be referred to the Secretary of War—to report thereon.

<sup>1</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 19, I, folio 67.



And that the memorial of Joseph Eaker late surgeon in the general hospital praying for pay and depreciation be referred to the committee on the report of the Secretary of War relative to Doctor Higgen's [Hagan] memorial on the same subject to report thereon.

That the memorial of John Jordan and others seamen wounded and disabled in the naval service of the United States be read in Congress that the subject may be taken up and some general provision be made in such case, which we think reasonable and expedient to be done.<sup>1</sup>

### WEDNESDAY, FEBRUARY 20, 1782

The committee, consisting of Mr. [Abraham] Clark, Mr. [Ezekiel] Cornell, Mr. [Thomas] McKean, to whom were referred the report of the Secretary at War, on a petition of Dr. Hagan, and the memorials of Dr. Jackson, Dr. Williams, Dr. Eaker, and Dr. Frinke, delivered in a report; Whereupon,

*Resolved*, That the comptroller be, and he is hereby, authorised and directed to adjust the accounts of all the officers of the late general hospital for pay and subsistence, up to the time the arrangement took place in ~~October~~ September, 1780, or for so much of the preceding time as they continued in service, upon their producing proper documents of the time of their respective services.

*Resolved*, That it be, and hereby is, recommended to the legislatures of the several states, to settle and discharge on

<sup>1</sup> This report, in the writing of Richard Law, is in the *Papers of the Continental Congress*, No. 32, folio 313. The indorsement shows that it was passed on this day.

The petition, dated February 11, 1782, from John Jordan, James McKinsey, Nicholas Caldwell and Joseph Brussels, seamen on the *Bon Homme Richard* and the *Lexington* is in No. 59, III, folio 207. The part relating to prize money was referred to the Secretary for Foreign Affairs; the remainder to a special committee. According to Committee Book No. 186, the committee consisted of Mr. T[homas] Smith, Mr. [Richard] Law, Mr. [Thomas] Bee.

Also, on this day, according to the indorsement, was read a letter of February 12 from the President of Delaware, enclosing a copy of an act of the General Assembly of Delaware for vesting in Congress a power to levy duties of 5 per cent on certain goods imported into that State, &c. The letter is in No. 70, folio 783, and the act on folios 773 and 775.



account of the United States, the depreciation of pay of such officers in the late general hospital as are inhabitants of, or belong to their respective states, who resigned their appointments after the 10th day of April, 1780, or became supernumerary by the new arrangement in ~~October~~ September, 1780.

*Resolved*, That the comptroller be, and he is hereby, authorised and directed to settle the depreciation of pay of officers in the late general hospital, who resigned or became supernumerary as aforesaid, and who do not belong to any particular State, in the same manner as hath been provided for the officers of the late Colonel Hazen's regiment.

*Ordered*, That the account of Dr. Frinke, for taking care of the sick and wounded in the retreat from Ticonderoga, in 1777, and for furnishing supplies for the same, be returned to Dr. Frinke, and the settlement suspended, until authentic vouchers shall be produced respecting such services and expenditures.<sup>1</sup>

The committee, consisting of Mr. [George] Clymer, Mr. [Samuel] Livermore, Mr. [Samuel] Osgood, Mr. [William]

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 22, folio 65.

Eaker's memorial, dated February 18, is in No. 41, III, folio 69; Hagan's, undated, is in No. 41, IV, folio 193; Jackson's, dated January 28, is in No. 41, IV, folio 426.

The Secretary at War's report is in No. 149, I, folio 119, and is as follows:

War Office January 16<sup>th</sup>, 1782.

SIR,

On the petition of Dr. Francis Hagan referred, the following resolve is submitted to the consideration of Congress:

That the Comptroller be and he is hereby authorised and directed to adjust the account of Dr. Francis Hagan late Physician and Surgeon in the General Hospital for pay and depreciation in the same manner as have been provided for the officers of General Hazen's Regiment.

The following report, without date, is in No. 149, I, folio 117 :

There being a number of officers who by former acts of Congress are entitled to pay or additional pay, and who cannot obtain a settlement of the depreciation due thereon from the respective States of which they are Inhabitants.

*Therefore, Resolved*, That the Comptroller be directed to settle the accounts of all such officers on the same principles as he settled with the officers of Colonel Hazen's Regiment.

Ellery, Mr. [Richard] Law, Mr. [William] Floyd, Mr. [Abraham] Clark, Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [Benjamin] Hawkins, Mr. [Nicholas] Eveleigh, and Mr. [Edward] Telfair, to whom was referred the report of a committee on a letter from the Superintendant of finance, and a plan for the settlement of public accounts, delivered in a report, which was taken into consideration; and thereupon, Congress agreed to the following resolutions:

Whereas it is become indispensably necessary to settle and adjust, and finally to determine the proportions to be borne by the several states of the expences of the war, from the commencement thereof until the first day of January, 1782, except the moneys loaned:

And whereas, from the present situation of some of the states, the rule for fixing such proportions agreeably to the Articles of Confederation, to wit, a valuation of lands, buildings, and improvements, cannot, with any degree of certainty, be proceeded on; and as, from a consideration of the states having been variously affected by the war, the said rule, upon a valuation hereafter to be taken, might not, if strictly adhered to, without proper allowances for particular circumstances, produce that equal justice so desirable in this important object.

In order, therefore, that the aforesaid expences may be proportioned in a speedy and equitable manner,

*Resolved*, That it be earnestly recommended to the several legislatures of the respective states, without delay, to authorise and empower the United States in Congress assembled, in the final settlement of the proportions to be borne by each State, of the general expences of the war, from the commencement thereof until the first day of January, 1782, except the moneys loaned to the United States, for the security and discharge of the principal and interest of which Congress rely on a compliance with their requisition of the third day of February, 1781, to assume and adopt such

principles as, from the particular circumstances of the several states, at different periods, may appear just and equitable, without being wholly confined to the rule laid down in the eighth Article of the Confederation, in cases where the same cannot be applied without manifest injustice:

That it be recommended to the states respectively to obtain and transmit to Congress, as soon as may be, all such documents and information as they may judge most proper, to assist the judgment of Congress in forming just estimates of the value and abilities of each State at the close of every year within the aforesaid term, in order to settle the proportions before mentioned.

*Resolved*, That upon settling the annual proportions of the several states, of the expences of the war, up to the first day of January, 1782, where any of the states have exceeded their proportions, an interest of six per cent. per annum shall be allowed thereon, and a deduction equal thereto made in the future annual proportions of those states; and where any states shall appear to have been deficient in advancing their proportions, a like interest shall be charged thereon, and such deficiency charged in the future proportions of such states.

And whereas it is necessary to make a settlement of all accounts between the United States and each particular State, and the creditors of the United States within the same,

*Resolved*, That a commissioner for each State, for the purposes hereinafter expressed, be appointed as follows: he shall be nominated by the Superintendant of the finances of the United States, and approved of by the legislature or the executive of the particular State for which he shall have been nominated; and upon the death, refusal, or inability to act, of such commissioner, another person to supply his place shall be nominated by the Superintendant of the finances, and approved of by the executive or the delegates attending in Congress of the State for which he shall be nominated, as

the legislature of the State shall direct; that the said commissioner so appointed shall have full power and authority finally to settle the accounts between the State for which he shall have been nominated, and the United States; that all accounts of moneys advanced, supplies furnished, or services performed, between the United States and a particular State, shall be estimated according to the table of depreciation framed by the Board of Treasury on the 29 day of July, 1780, in consequence of the resolution of the 28 day of June preceding, to the time the same is extended: [provided always, that specific supplies, furnished pursuant to requisitions of Congress, shall be settled agreeable to the prices mentioned in such requisitions;] that he be also fully empowered and directed to liquidate and settle, in specie value, all certificates given for supplies by public officers to individuals, and other claims against the United States ~~either by a State or by individuals~~ for supplies furnished the army, the transportation thereof and contingent expences thereon, within the said State, [according to the principles of equity and good conscience, in all cases which are not or shall not be provided for by Congress:]

That the said commissioner, in the various branches of duty herein directed, shall in such matters of form as regard merely the stating of his accounts, proceed agreeably to rules to be prescribed to him by the comptroller of the treasury; but in all other matters and things concerning the settlement with individual states, according to such modes and principles as Congress have directed or shall direct:

That each of the said commissioners be allowed a salary of fifteen hundred dollars per annum, and that he appoint his necessary clerks, with the salary of five hundred dollars per annum each, for the time they shall severally be employed in this service, which shall be in full for all services and expences.

That the said commissioners respectively give public and early notices of the times and places of their settling, and the districts within which they settle accounts, that as well the public officers as the private individuals may have an opportunity to attend:

That each commissioner, before he enter upon the business for which he is appointed, shall take the following oath:

"I, A. B. do solemnly swear that I will truly and faithfully execute the office of commissioner to which I am appointed, according to my best skill and judgment, without favor or affection. So help me God."

That each clerk at his appointment shall also take an oath truly and faithfully to execute the duties of his office according to the best of his skill and understanding; and that certificates of these oaths be filed in the secretary's office of the State.

And it is hereby further recommended to the several legislatures of the respective states, to grant the commissioner, by a law to be enacted for that purpose, a power to call witnesses and examine them upon oath or affirmation, touching such claims and accounts as shall be produced for liquidation and settlement.

The committee not having yet finished the business committed to them beg leave to sit again.<sup>1</sup>

#### THURSDAY, FEBRUARY 21, 1782

On the report of a committee of the states, consisting of Mr. [Samuel] Livermore, Mr. [George] Partridge, Mr. [Ezekiel] Cornell, Mr. [Oliver] Wolcott, Mr. [William] Floyd, Mr.

<sup>1</sup> This report, in the writing of George Clymer, except the parts in brackets, which are in that of Abraham Clark, is in the *Papers of the Continental Congress*, No. 26, folio 327.

On this day, according to the indorsement, was read a letter dated Philadelphia, February 18, from General Washington. It was referred to Mr. [Elias] Boudinot, Mr. [Ezekiel] Cornell, Mr. [Thomas] Bee. It is in No. 152, X, folio 443. It is printed in the *Writings of Washington* (Ford), IX, 443.



[Abraham] Clark, Mr. [George] Clymer, Mr. [Daniel] Carroll, Mr. [Joseph] Jones, Mr. [Benjamin] Hawkins, Mr. [Arthur] Middleton, Mr. [Edward] Telfair, to whom was referred a letter of 15 January, from the Superintendent of finance, touching the establishment of a mint:

*Resolved*, That Congress approve of the establishment of a mint; and, that the Superintendent of finance be, and hereby is directed to prepare and report to Congress a plan for establishing and conducting the same.<sup>1</sup>

FRIDAY, FEBRUARY 22, 1782.

Mr. Philemon Dickinson, a delegate for the State of Delaware, attended and took his seat.

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [Edmund] Randolph, and Mr. [Nicholas] Eveleigh, to whom was referred a letter of 25 January from the Secretary for foreign affairs, respecting his department,

(The Committee to whom was referred the letter of the Secretary of Foreign affairs respecting his Department, Report,)

The United States having risen to importance, and taken their place among sovereign and independent nations, are called upon to secure their extensive territories, and maintain their political interests by cultivating the friendship and alliance of other sovereigns and by guarding against the machinations of the designing and ambitious. In order to which, ministers and agents have been appointed, to study the interests, views and designs of Courts at which they reside, to declare the principles of justice and moderation by which the United States propose to govern themselves, and to express on various occasions ~~the~~ their sentiments ~~of the United States~~. That these sentiments may be fully known to their ministers, some regular

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, IV, folio 345. The letter of the Superintendent of Finance is in 137, I, folio 289.

A letter of this date, from Jonas Fay, Ira Allen, and Abel Curtis was read on this day, as the indorsement states. It is in No. 40, II, folio 261.

Also, a letter dated Philadelphia, February 20, from General Washington. It was referred to Mr. [Elias] Boudinot, Mr. [Ezekiel] Cornell, Mr. [Thomas] Bee. It is in No. 152, X, folio 459. It is printed in the *Writings of Washington* (Ford), IX, 447.



channel of communication should be opened; and that the governing power in the United States should not remain ignorant of the views and designs of foreign nations, which must regulate their conduct towards them, means should be fallen upon to direct the enquiries of their ministers, and so to collect and digest their information, as to render it useful to Congress.

These together with the various details, which are created by their connection with other nations, has induced the United States in Congress assembled to Resolve,

*Resolved*, That the department of foreign affairs be under the direction of such officer, as the United States in Congress assembled have already for that purpose appointed, or shall hereafter appoint, who shall be stiled, "Secretary to the United States of America, for the department of foreign affairs;" [shall reside where Congress or the committee of the states shall sit,] (and hold his office during the pleasure of Congress:)

That the books, records and other papers of the United States, that relate to this department, be committed to his custody ~~subject always to the inspection of Congress or of such persons as they may appoint~~ [to which (and all other papers of his office,) any member of Congress shall have access: provided that no copy shall be taken of matters of a secret nature without the special leave of Congress:]<sup>1</sup>

That the correspondence and communications with the ministers, consuls and agents of the United States in foreign countries, and with the ministers and other officers of foreign powers with Congress, be carried on through the office of foreign affairs by the said Secretary, who is also empowered to correspond with all other persons from whom he may expect to receive useful information relative to his department: provided always, that letters to the ministers of the United States, or ministers of foreign powers, which have a direct reference to treaties or conventions proposed to be

<sup>1</sup> The words in brackets are in the writing of Nicholas Eveleigh; those in parentheses in Edmund Randolph's writing.

entered into, or instructions relative thereto, or other great national subjects, shall be submitted to the inspection and receive the approbation of Congress before they shall be transmitted:

That the Secretary for the department of foreign affairs correspond with the governors or presidents of all or any of the United States, affording them such information from his department as may be useful to their states or to the United States ~~explaining the principles on which resolutions relative to his department have passed Congress,~~ stating complaints that may have been urged against the government of any of the said states, or the subjects thereof, by the subjects of foreign powers, so that justice may be done agreeably to the laws of such State, or the charge proved to be groundless, and the honor of the government vindicated:

He shall receive the applications of all foreigners ~~and others~~ relative to his department, which are designed to be submitted to Congress, and ~~direct~~ advise the mode in which the memorials and evidence shall be stated in order to afford Congress the most comprehensive view of the subject, and if he conceives it necessary, accompany such memorial with his report thereon: he may concert measures with the ministers or officers of foreign powers, amicably to procure the redress of private injuries, which any citizen of the United States may have received from a foreign power or the subjects thereof, making minutes of all his transactions relative thereto, and entering the letters at large which have passed on such occasions ~~and submitting them at all times to the inspection of Congress, or of such persons as they may appoint:~~

He shall report on all cases expressly referred to him for that purpose by Congress, and on all others touching his department, in which he may conceive it necessary:

And that he may acquire that intimate knowledge of the sentiments of Congress, which is necessary for his direction,

he may at all times attend upon Congress, and particularly ~~when the President of Congress shall summon him to attend~~ shall [particularly attend when summoned or ordered by the President]:<sup>1</sup>

~~Resolved, That a seat be assigned him in Congress, which he shall take on the order of the house expressed either upon the motion of a member, or in consequence of his request in writing directed to the President. That when he shall have taken his~~

Struck out

~~seat, and not before, he shall be considered as officially in Congress, and may give information respecting his department, explain and answer objections to his reports, when under consideration, and state such questions as may be necessary for his information. He shall answer from his seat to such inquiries, respecting his department, as may be put from the chair, by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress. The answer to such questions may, at the option of the Secretary be delivered by him in writing.~~

He may give information to Congress respecting his department, explain and answer objections to his reports when under consideration, if required by a member and no objection be made by Congress: he shall answer to such enquiries respecting his department as may be put from the chair by order of Congress, and to questions stated in writing about matters of fact which lie within his knowledge, when put by the President at the request of a member, and not disapproved of by Congress; the answers to such questions may, at the option of the Secretary, be delivered by him in writing:<sup>2</sup>

He shall have free access to the papers and records of the United States, in the custody of their Secretary, or in the offices of finance and war or elsewhere; he may be furnished with copies, or take extracts therefrom, when he shall find it necessary ~~in the execution of his office~~:

<sup>1</sup> The words in brackets are in the writing of Nicholas Eveleigh.

<sup>2</sup> This paragraph is in the writing of William Ellery.

He shall use means to obtain from the ministers and agents of the said United States in foreign countries, an abstract of their present state, their commerce, finances, naval and military strength, and the characters of sovereigns and ministers, and every other political information which may be useful to the United States:

All letters to sovereign powers, letters of credence, plans of treaties, conventions, manifestoes, instructions, passports, safe conducts, and other acts of Congress relative to the department of foreign affairs, when the substance thereof shall have been previously agreed to in Congress, shall be reduced to form in the office of foreign affairs, and submitted to the opinion of Congress, and when passed, signed and attested, sent to the office of foreign affairs to be countersigned and forwarded,

If an original paper is of such a nature as cannot be safely transmitted without cyphers, a copy in cyphers, signed by the Secretary for the department of foreign affairs, shall be considered as authentic, and the ministers of the United States at foreign courts may govern themselves thereby in the like manner as if the originals had been transmitted.

And for the better execution of the duties hereby assigned him, he is authorised to appoint ~~an assistant~~ a secretary ~~and clerk~~, [and one, or if necessary, more clerks, to assist him in the business of his office.]<sup>1</sup>

~~An Interpreter shall also be annexed to this Department to be appointed by Congress, who besides the duties required of him by the Secretary for Foreign Affairs, shall serve when required as interpreter to the United States in Congress their respective Boards, and the Court of Appeals.~~

*Resolved*, That the salaries annexed to this department shall be as follows:

To the Secretary of the United States for the department of foreign affairs, ~~and the contingent expences of his office~~

<sup>1</sup> The words in brackets are in the writing of Charles Thomson in the report.

[the sum of four thousand dollars per annum, exclusive of office expences,]<sup>1</sup> to commence from the first day of October last:

~~to the assistant ——— dollars;~~ to the secretary one thousand dollars per annum: ~~to the interpreter ——— dollars;~~ to the clerks each five hundred dollars per annum.

*Resolved*, That the Secretary for the department of foreign affairs, and each of the persons employed under him, shall take an oath before ~~the President of Congress~~ [a judge of the State where Congress shall sit,] for the faithful discharge of their respective trusts, and an oath of fidelity to the United States before they enter upon office.<sup>2</sup>

*Resolved*, That the act of the 10th day of January, 1781, respecting the department of foreign affairs, be, and hereby is repealed.<sup>3</sup>

#### SATURDAY, FEBRUARY 23, 1782

On motion of Mr. [Elias] Boudinot, seconded by Mr. [Abraham] Clark,

*Ordered*, That the resolution of the 19, respecting the pay of John Durham Alvey, be re-considered:

*Resolved*, That John Durham Alvey, postmaster to the main army, be allowed for his past services to this day, the sum of forty dollars per month in full of all allowances, except the rations of forage and provisions received by him; and that the postmaster general settle his accounts accordingly.

On the report of the Secretary for foreign affairs, to whom was referred a letter of 6th October, 1781, from Robert Smith, agent at the Havanna, so far as relates to the sending blank commissions to be filled up by him for the purpose of com-

<sup>1</sup> The words in brackets are in the writing of Charles Thomson in the report.

<sup>2</sup> The words in brackets are in the writing of Nicholas Eveleigh.

<sup>3</sup> The last paragraph is in Charles Thomson's writing in the report. The report, in the writing of a clerk, except as indicated, is in the *Papers of the Continental Congress*, No. 25, II, folio 63.

The resolutions respecting the Department of Foreign Affairs were also entered in the manuscript Secret Journal, Foreign Affairs.



missioning with letters of marque or general reprisals, such vessels sailing from the Havanna as might require the same:

*Resolved*, That the Secretary for foreign affairs be, and hereby is directed to inform Robert Smith, that the United States in Congress assembled, do not at present think it expedient that he issue any letters of marque or of general reprisals, under their authority.<sup>1</sup>

A committee, consisting of Mr. [Elias] Boudinot, Mr. [Ezekiel] Cornell and Mr. [Thomas] Bee, to whom was referred a letter of 18 and one of 20 February, from General Washington, having delivered in a report:

The Committee to whom the letters of Gen<sup>l</sup> Washington relative to the Exchange of prisoners were committed do report the following resolution

*Resolved*, That the secret resolve of the                   Inst. relative to the exchange of Lt. Gen<sup>l</sup> Earl Cornwallis be, and it is hereby repealed.<sup>2</sup>

A motion was made by Mr. [Arthur] Middleton, seconded by Mr. [Edward] Telfair, in the words following:

“In order to prevent future controversy upon the subject of exchange, that Congress who represent the feelings as well as the sense of the union, do declare that Lieutenant General Charles Earl Cornwallis ought not to be exchanged by composition at this time, not from any apprehensions of his influence or superior abilities; but because they look upon him not in the light of a British general, but a barbarian. In proof of their justice for classing him in so degrading a predicament, they appeal to the impartial history of his conduct during his command in the southern and middle states, where his progress may be traced by blood wantonly spilt, by executions unwarranted even by military regulations, and by the indiscriminate plunder of the property and destruction of the habitations of the widow and the orphan,

<sup>1</sup> A letter of the Superintendent of Finance dated January 11, and Smith's letter which he enclosed, were read January 15 and are in the *Papers of the Continental Congress*, No. 137, I, folios 259, 261.

<sup>2</sup> This report, undated, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, folio 385.



circumstances disgraceful to the arms of any enlightened people: because he has governed himself solely upon the principles of eastern tyranny, has broken the faith of treaty solemnly pledged in the capitulation of Charlestown, by ordering the seizure of the property and persons of the capitulants, by the confinement of some on board of prison-ships, the transportation of others to St. Augustine, and the banishment of their wives and children: because he has authorised and countenanced the enlistment of upwards of five hundred American soldiers into the British service, or rather suffered them to be compelled by cruelties and hard usage to take arms against their country, and in numberless other instances has infringed every rule of war established among civilized nations: that it be also resolved, that unless the Honorable Henry Laurens, Esq. be enlarged within months, upon his parole until exchanged, the Commander in Chief be directed to recal the said Charles Earl Cornwallis: that unless the accounts for the maintenance of prisoners be settled, the arrearages paid up and security given for their future maintenance, the British prisoners be compelled to work for their livelihood, or otherwise disposed of for the public benefit."

On this the previous question was moved by the State of New Jersey, and seconded by the State of Pennsylvania: and on the question to agree to the previous question, the yeas and nays being required by Mr. [Arthur] Middleton,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Livermore,	ay } *	Mr. Scott,	no } div.
		Floyd,	ay }
<i>Massachusetts,</i>		<i>New Jersey,</i>	
Mr. Partridge,	ay } ay	Mr. Clark,	ay }
Osgood,	ay }	Boudinot,	ay }
		Condict,	ay }
<i>Rhode Island,</i>		<i>Pennsylvania,</i>	
Mr. Ellery,	ay } ay	Mr. Montgomery,	ay }
Cornell,	ay }	T. Smith,	ay }
		Clymer,	ay }
<i>Connecticut,</i>		Atlee,	ay }
Mr. Law,	ay } ay		
Wolcott,	ay }		

<i>Delaware,</i>		<i>South Carolina,</i>	
Mr. Dickinson,	ay } *	Mr. Middleton,	no } no
<i>Maryland,</i>		Bee,	no } no
Mr. Hanson,	ay } ay	Motte,	no }
Carroll,	ay }	<i>Georgia,</i>	
<i>Virginia,</i>		Mr. Telfair,	no } no
Mr. Madison,	ay }	N. W. Jones,	no }
Randolph,	ay } ay		
Lee,	no }		

So it passed in the affirmative.<sup>1</sup>

On motion of Mr. [Abraham] Clark, seconded by Mr. [Elias] Boudinot,

*Resolved*, That the Commander in Chief be, and he is hereby authorised to agree to the exchange of Lieutenant General Earl Cornwallis by composition; provided that the Honorable Henry Laurens, Esq. shall be liberated, ~~but as a preliminary to the exchange in the cartel to be agreed upon the Commander in Chief shall obtain~~ and proper assurances obtained that all accounts for the support of the Convention prisoners and all other prisoners of war, shall be speedily settled and discharged.<sup>2</sup>

The Committee of the Week [Mr. Richard Law, Mr. John Morin Scott, Mr. Silas Conduct] report on the petition of Captain Patrick

<sup>1</sup> The motion, in the writing of Arthur Middleton, is in the *Papers of the Continental Congress*, No. 36, I, folio 257. A copy of the vote is indorsed on the motion.

<sup>2</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, VI, folio 383.

Another undated motion is in the writing of Elias Boudinot for the first paragraph and of Abraham Clark for the second. It is on folio 389 and is as follows:

*Resolved*, That the Commander in Chief be directed to insist that in case of a general cartel, founded on composition, being settled with the enemy, by virtue of the powers heretofore given to him by Congress, that the Hon. Henry Laurens be positively included therein.

*Provided also*, That in the settlement of such cartel for a general exchange of prisoners, a settlement and discharge of all accounts for the support of the convention prisoners and all other prisoners on both sides shall be fully provided for.

Another undated motion in the writing of Thomas Bee is on folio 387 and is as follows:

*Resolved*, That the Commander in Chief be informed it is the desire of Congress that previous to any exchange taking place for Lieut. General Earl Cornwallis by composition the Hon<sup>ble</sup> Henry Laurens be included in the composition aforesaid.

Dennis praying for compensation for his service and expenditures in procuring pilots, be referred to the Agent of Marine.<sup>1</sup>

Committee of the Week [Mr. Richard Law, Mr. John Morin Scott, Mr. Silas Condict] report on the memorial of Henry Purcel, Chaplain in the Continental Army, for pay &c, that it be referred to the ~~Treasurer~~ Secretary at War.<sup>2</sup>

*Ordered*, That a letter, of 21st February, 1782, from Superintendent of finance, on information of Captain Pickles, relative to the submission of sundry inhabitants of W. Florida to the United States be referred to a committee of three, consisting of Mr. J[oseph] Jones, Mr. [Thomas] Bee, Mr. [Daniel] Carroll.<sup>3</sup>

#### MONDAY, FEBRUARY 25, 1782.

Mr. Samuel Wharton, a delegate for the State of Delaware, attended, and took his seat.

On the second reading of "an Ordinance for amending the Ordinance, ascertaining what captures on water shall be lawful"; which was reported by a committee consisting of Mr. [Thomas] McKean, Mr. [George] Clymer, Mr. [William] Ellery, to whom was referred a memorial of the merchants and traders of Philadelphia:

The following paragraph being under debate, viz.

"That no ship or other vessel which shall have sailed from any port or place in Europe, not belonging to the king of Great Britain, on or before the — next for any port or place within the United States, not in possession of the enemy, shall be liable to capture or molestation merely for having

<sup>1</sup> This report, in the writing of Richard Law, is in the *Papers of the Continental Congress*, No. 32, folio 309. The indorsement shows it was agreed to on this day.

<sup>2</sup> This report, in the writing of Richard Law, is in the *Papers of the Continental Congress*, No. 32, folio 311. It is undated, but apparently belongs to this period.

<sup>3</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. See post March 8.

On this day, according to the indorsement, was read a letter of January 10 from the Governor of North Carolina, enclosing a letter from John Jay. It is in the *Papers of the Continental Congress*, No. 72, folio 131.

Also, a letter of James Elliot, which was referred to the Secretary at War. It is in No. 78, VIII, folio 377.

on board goods, wares, or merchandize of the growth, product, or manufacture of Great Britain, or of any territory depending thereon."

A motion was made by Mr. [Joseph] Montgomery, seconded by Mr. [George] Partridge, that the blank be filled with the words, "first day of May,"

On which the yeas and nays being required by Mr. [Joseph] Montgomery,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Livermore,	ay } *	Mr. McKean,	ay }
<i>Massachusetts,</i>		Dickinson,	ay } ay
Mr. Partridge,	ay } ay	Wharton,	ay }
Osgood,	ay }	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Hanson,	no }
Mr. Ellery,	ay } *	Carroll,	no } no
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Law,	no }	Mr. Jones,	no }
Wolcott,	ay } div.	Madison,	no }
<i>New York,</i>		Randolph,	no } no
Mr. Scott,	no }	Lee,	no }
Floyd,	ay } div.	<i>North Carolina,</i>	
<i>New Jersey,</i>		Mr. Hawkins,	no } *
Mr. Clark,	no }	<i>South Carolina,</i>	
Boudinot,	no }	Mr. Middleton,	no }
Condict,	no }	Motte,	no }
<i>Pennsylvania,</i>		Eveleigh,	ay } no
Mr. Montgomery,	ay }	<i>Georgia,</i>	
T. Smith,	no }	Mr. Telfair,	no } *
Clymer,	ay }		
Atlee,	ay }		

So it passed in the negative.

A motion was made by Mr. [William] Ellery, seconded by Mr. [Oliver] Wolcott, that the blank be filled up with the words "fourteenth day of April:"

On which the yeas and nays being required by Mr. [William] Ellery,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Partridge,	ay	} div.	Mr. McKean,	ay	} ay
Osgood,	no		Dickinson,	ay	
<i>Rhode Island,</i>			Wharton,	ay	
Mr. Ellery,	ay	} *	<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Hanson,	ay	} ay
Mr. Law,	no	} div.	Carroll,	ay	
Wolcott,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	no	} no
Mr. Scott,	ay	} ay	Madison,	no	
Floyd,	ay		Randolph,	no	
<i>New Jersey,</i>			Lee,	no	
Mr. Clark,	no	} no	<i>North Carolina,</i>		
Boudinot,	ay		Mr. Hawkins,	no	} *
Condict,	no		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Middleton,	no	} div.
Mr. Montgomery,	ay	} ay	Eveleigh,	ay	
Smith,	ay		<i>Georgia,</i>		
Clymer,	ay		Mr. Telfair,	ay	} *
Atlee,	ay				

So it passed in the negative.

A motion was made by Mr. [Edmund] Randolph, seconded by Mr. ~~Middleton~~, to strike out the following clause in the said ordinance, viz.

"That where vessels, their cargoes or any part thereof belonging to any citizen of these United States, sailing or being within the body of a county, or within any river or arm of the sea, or within cannon shot of the shore, shall be captured by the enemy, and shall be recaptured below high-water mark by another citizen thereof, restitution shall be made to the former owner upon the payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the time of possession of the enemy."

And on the question, shall the clause stand? the yeas and nays being required by Mr. [Thomas] McKean,

<i>New Hampshire,</i>		<i>Delaware,</i>	
Mr. Livermore,	ay } *	Mr. McKean,	ay }
<i>Massachusetts,</i>		Dickinson,	ay } ay
Mr. Partridge,	no }	Wharton,	ay }
Osgood,	ay } div.	<i>Maryland,</i>	
<i>Rhode Island,</i>		Mr. Hanson,	ay }
Mr. Ellery,	ay } *	Carroll,	no } div.
<i>Connecticut,</i>		<i>Virginia,</i>	
Mr. Law,	no }	Mr. Jones,	ay }
Wolcott,	no } no	Madison,	no }
<i>New York,</i>		Randolph,	no }
Mr. Scott,	no }	Lee,	ay }
Floyd,	no } no	<i>South Carolina,</i>	
<i>New Jersey,</i>		Mr. Middleton,	ay }
Mr. Clark,	no }	Motte,	ay } ay
Boudinot,	no } no	Eveleigh,	no }
<i>Pennsylvania,</i>		<i>Georgia,</i>	
Mr. Montgomery,	ay }	Mr. Telfair,	no }
Clymer,	ay } ay	Jones,	no } no
Atlee,	ay }		

So it passed in the negative.

The second reading being gone through,

*Ordered,* That the Ordinance be read a third time to-morrow.<sup>1</sup>

## TUESDAY, FEBRUARY 26, 1782

The Ordinance being read a third time, was agreed to as follows:

### AN ORDINANCE FOR FURTHER AMENDING THE ORDINANCE ASCERTAINING WHAT CAPTURES ON WATER SHALL BE LAWFUL.

Whereas divers ships or vessels belonging to the citizens of several of these United States, may have sailed on voyages to Europe, before

<sup>1</sup> On this or an approximate date, was read a letter, of the 25th from Baron d'Arendt. It is in the *Papers of the Continental Congress*, No. 78, VII, folio 449.

On this date, according to the indorsement, was read a letter of the same date, from General Washington. It is in No. 152, X, folio 467.



the publication of the ordinance, entitled "an ordinance ascertaining what captures on water shall be lawful," where they, as well as vessels belonging to the subjects of neutral powers, may have laden and taken on board in promiscuous cargoes, goods, wares, and merchandises, of the growth, product, or manufacture of Great Britain, or of some of the dominions or territories thereon depending, without any knowledge of the said ordinance, and may not be able to arrive in any of the ports of these states, on or before the first day of March next; whereby the said goods may become liable to capture and condemnation.

For remedy whereof, it is hereby ordained by the United States in Congress assembled, that no ship or other vessel, which shall have sailed from any port or place in Europe, not belonging to the King of Great Britain, on or before the 10th day of April next, for any port or place within the United States, not in possession of the enemy, shall be liable to capture or molestation, merely for having on board goods, wares, or other merchandises of the growth, product or manufacture of Great Britain, or of any territory depending thereon.

And it is hereby further ordained, that where vessels, their cargoes, or any part thereof, belonging to any citizen of these United States, sailing or being within the body of a county, or within any river or arm of the sea, or within cannon shot of the shore of any of these states, and laden with the produce of the country, and destined for a port or place within these states, not in possession of the enemy, shall be captured by the enemy, and shall be recaptured below high water mark, by another citizen thereof, restitution shall be made to the former owner, upon the payment of a reasonable salvage, not exceeding one-fourth part of the value, no regard being had to the time of possession of the enemy.

And be it further ordained, that so much of the aforesaid ordinance as comes within the purview of this, be and hereby is repealed.

Done, &c.<sup>1</sup>

### WEDNESDAY, FEBRUARY 27, 1782

A letter, of 23, from the Secretary for foreign affairs, was taken into consideration; and thereupon,

*Resolved*, That the Secretary of the United States of America for the department of foreign affairs, be, and he is

<sup>1</sup> On this day, according to the indorsement, a memorial of Joseph Eaker, of the same date, was read. It is in the *Papers of the Continental Congress*, No. 41, III, folio 71.

hereby, empowered to settle the wages of the two persons who have hitherto been employed as secretaries or clerks in his office, for the time they have served, at the rate of seven hundred and fifty dollars per annum each.

*Ordered*, That the remainder of the letter, touching the appointment of two under secretaries, instead of a secretary, be committed.<sup>1</sup>

On the report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [James] Lovell, Mr. [Joseph] Montgomery, to whom was referred a letter of 22 November last, from the Secretary for foreign affairs, relative to Mr. John Temple:

*Resolved*, That the President inform the governor and council of the Commonwealth of Massachusetts, that matters of public concern, and the pressing necessity of making provision for the ensuing campaign, have hitherto prevented Congress from attending to a subject which, though it respects an individual, may have an influence on the public affairs of these United States.

~~The Executive of Massachusetts cannot have forgotten~~  
The suspicions and jealousies excited by Mr. John Temple's return to America in 1778, and the reports currently circulated in England relative to his mission, are notorious. The time and manner of his coming to America, as well as the person accompanying him, who ~~has since avowed his purpose~~ is now resident in and a subject of Great Britain, gave great force to the suspicions then raised. These suspicions, instead of being allayed, were increased by Mr. Temple's return to England, and by the rumours and publications respecting his intercourse and conference with the British ministry. His coming again to America without explaining his views, and as far as is come to the knowledge of Congress, without any leave previously obtained, and this at the very time when the enemy entertained the fond

<sup>1</sup> This resolution and order were also entered in the manuscript Secret Journal, Foreign Affairs.

hope of having subdued the southern states, cannot fail to excite new jealousies, and a suspicion of his being employed as an emissary from the British crown.

That the President further inform the governor and council of Massachusetts, that although Mr. Temple was the bearer of some letters from the Hon<sup>ble</sup> John Adams at Amsterdam, yet the subject of the letters with which he was entrusted, and of those which Mr. Adams chose to send at the same time by another conveyance, sufficiently evince that he had not the full confidence of that minister, and that the letter which Mr. Adams took the trouble of writing respecting Mr. Temple, did in no wise account for his past conduct, or explain his future views or designs. And therefore, as the United States ought to be on their guard, as well against the secret arts as open force of their subtle and inveterate enemy, that it is the wish of Congress that the executive of Massachusetts would enquire strictly into the conduct, views, and designs of Mr. John Temple, and if they are not fully convinced of the uprightness of his intentions, or if they have any apprehensions that he has, in his visits to America, been countenanced or employed by, or has acted in concert with the British ministry or their agents, that they ~~order him back to Britain or~~ take such measures respecting him as may put it out of his power to injure the cause of these United States.<sup>1</sup>

On the report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Joseph] Montgomery and Mr. [James] Madison, to whom was referred a letter of 18 from the Superintendent of finance:

*Resolved*, That five commissioners be appointed for the settlement of accounts under the direction of the Superintendent of the finances, namely, one for the quartermaster's department, one for the commissary's department, one for

<sup>1</sup> This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 19, VI, folio 23.

the hospital department, one for the cloathier's department, and one for the marine department, each of which commissioners shall have full power and authority to liquidate and finally settle the accounts of the departments respectively assigned to them, up to the last day of December, 1781, inclusive:

That the Superintendant of finance be, and he is hereby authorised and directed to appoint the said five commissioners; and that he report the names of the same to Congress, [in order that they may disapprove such appointment if they shall think proper:]

That each of the said commissioners be allowed one clerk for his assistance in the execution of his trust, and in case more should be found necessary, that he be authorised to add such number as the Superintendant of finance shall approve:

That a salary be allowed to each of the said commissioners, at the rate of fifteen hundred dollars per annum, during the time in which he shall be employed in the duties assigned to him; and that each clerk be allowed a salary, at the rate of five hundred dollars per annum during the time of his service, (to be in full to each of them for their services and expences:)

~~That it be recommended to the States to empower the said Commissioners to send for such persons and papers as may be found necessary in the course of their business.~~

~~That a committee be appointed to prepare a bill to be recommended to the States, providing for an effectual recovery from individuals, of effects belonging and debts due to the United States.~~

That it be recommended to the several legislatures of the states, to empower the said commissioners to call for witnesses and examine them on oath or affirmation touching such accounts as are respectively assigned to them for settlement; and that it be also recommended to the said legisla-

tures, to make provision by law for the speedy and effectual recovery from individuals of debts due and effects belonging to the United States.<sup>1</sup>

[Motion of Mr. James Mitchell Varnum and Mr. John Sullivan]

Whereas it is provided by article sixth of the act of Confederation "that no person shall be capable of being a Delegate for more than three years in any Term of six years," and whereas there are Delegates from some of the States within the above description; It is therefore recommended to the respective Legislatures to cause such vacancies to be filled as soon as may be, so that their States may be represented according to the true intent and meaning of said Act of Confederation.<sup>2</sup>

#### THURSDAY, FEBRUARY 28, 1782.

The report of the Committee relative to the inhabitants of the district of country known by the name of New Hampshire Grants, debated.

[Motion of Mr Ezekiel Cornell, Mr William Floyd]

*Resolved*, That all promotions hereafter made of Colonels or Lieutenant Colonels to the rank of Brigadiers or of Brigadiers to the rank of Major Generals shall not entitle the officers so promoted to any additional half pay or allowance of land on account of such promotion. And that such of the present *Brigadiers as shall* be promoted to the rank of Majors General shall only be entitled to the half pay of Brigadiers and to the allowance of lands allowed to brigadiers by the Resolution of the 12th) of August 1780, and that such of the present

Colonels or Lieut. Colonels as shall be promoted to the rank of Brigadiers and from thence to that of Major Generals shall only be entitled to the allowance of lands and

Negattved

<sup>1</sup> This report, in the writing of James Madison, except the part in brackets which is in Charles Thomson's hand, and the part in parentheses which is in John Rutledge's hand, is in the *Papers of the Continental Congress*, No. 19, IV, folio 347.

<sup>2</sup> This motion, in the writing of James Mitchell Varnum, is in the *Papers of the Continental Congress*, No. 36, I, folio 265. The indorsement shows that it was "postponed by adjournment."

On this day, according to the indorsement, was read a letter of December 13, 1781, from John Dodge. It was referred to Mr. [Oliver] Wolcott, Mr. [Abraham] Clark Mr. [George] Partridge. It is in No. 78, VII, folio 425. The committee was discharged. See *post* March 26.



half pay assigned to Colonels or Lieut. Colonels Commandant any resolution heretofore passed to the contrary notwithstanding.

*Resolved*, That Brigadier Generals James Clinton, William Moultrie,  
 Postponed Lachlan McIntosh, and Henry Knox be and they  
 are hereby promoted to the rank of Major Generals.

*Resolved*, That Colonel Otho Williams of the Maryland line be  
 Postponed and he is hereby promoted to the rank of Brigadier  
 General.<sup>1</sup>

### FRIDAY, MARCH 1, 1782

On the report of a committee, consisting of Mr. [Philemon] Dickinson, Mr. [Daniel] Carroll, Mr. [George] Partridge, to whom was referred a letter of 23 February from the Secretary for Foreign Affairs:

[*Resolved*, That so much of the resolutions of the 22d of February last, as authorises the Secretary for Foreign Affairs to appoint a secretary, and annexes to that office the salary of one thousand dollars per annum, be, and hereby is repealed;

~~That the Secretary of Foreign Affairs be and he is hereby empowered to appoint two under secretaries who shall receive one thousand five hundred dollars per annum to be divided between them in such proportions as the Secretary of Foreign Affairs shall direct]~~

And that the Secretary for Foreign Affairs be, and he is hereby empowered to appoint, until the further order of Congress, two under secretaries; and that the first under secretary be allowed eight hundred dollars per annum, and the second under secretary seven hundred dollars per annum.<sup>2</sup>

The grand committee, consisting of Mr. [Samuel] Livermore, Mr. [George] Partridge, Mr. [Ezekiel] Cornell, Mr. [Richard] Law, Mr. [William] Floyd, Mr. [Elias] Boudinot,

<sup>1</sup> This motion, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 36, I, folio 267. It was presented this day, and, according to the indorsement, "assigned for Monday next."

<sup>2</sup> This resolution was also entered in the manuscript Secret Journal, Foreign Affairs. The report is in the *Papers of the Continental Congress*, No. 25, II, folio 77. The part in brackets is in the writing of George Partridge; the remainder in that of Daniel Carroll.



Mr. [George] Clymer, Mr. [Thomas] Rodney, Mr. [Daniel] Carroll, Mr. [Edmund] Randolph, Mr. [Benjamin] Hawkins, Mr. [Arthur] Middleton and Mr. [Edward] Telfair, to whom was re-committed their report on sundry papers respecting the inhabitants of a district of country known by the name of the New Hampshire Grants, together with a representation of Seth Smith, and a letter of 30 January from Jonas Fay and Ira Allen, having delivered in a report, and the following paragraph being under consideration, viz.

*“Resolved*, That in case the inhabitants residing within the limits aforesaid, within one calendar month from the delivery of a certified copy of these resolutions by the commissioner herein after mentioned, to Thomas Chittenden, esq. of the town of Bennington, within the limits aforesaid, or from the time of the said commissioner’s leaving such certified copy at the usual place of residence of the said Thomas Chittenden, esq. shall by some authenticated act recognize the last above described boundaries to be the limits and extent of their claim, both of jurisdiction and territory, and shall accede to the Articles of Confederation and perpetual union between the states of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pensylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, as agreed to in Congress on the 15 day of November, 1777; and shall thereupon appoint delegates in their behalf, with full powers, instructions and positive orders immediately to repair to Congress, and to sign the said Articles of Confederation, and afterwards to represent them in the United States in Congress assembled, their said delegates shall be admitted to sign the same, and thereupon the inhabitants of the above described district shall be acknowledged a free, sovereign and independent state, and shall be considered as a component part of the federal union, and entitled to the advantages thereof.”

A motion was made by Mr. [Oliver] Wolcott, seconded by Mr. [William] Ellery, to strike out the words between the words "inhabitants residing within," and the word "accede;" and in lieu thereof to insert "or belonging to the territory commonly known by the name of the New Hampshire Grants, or by whatsoever name it may be called, west of Connecticut river, and to the eastward of the boundary conditionally guarantied by the resolution of the 20 August last, in favour of the State of New York."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Oliver] Wolcott,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	no	}	Mr. McKean,	no	}
<i>Massachusetts,</i>			Dickinson,	no	
Mr. Partridge,	ay	}	Wharton,	no	
Osgood,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Hanson,	no	}
Mr. Ellery,	ay	}	Carroll,	no	
Cornell,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	no	}
Mr. Law,	ay	}	Madison,	no	
Wolcott,	ay		Randolph,	no	
<i>New York,</i>			Lee,	no	
Mr. Scott,	no	}	<i>North Carolina,</i>		
Floyd,	no		Mr. Hawkins,	no	}
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	no	}	Mr. Middleton,	no	}
Boudinot,	ay		Motte,	no	
Condict,	ay		Eveleigh,	no	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	no	}	Mr. Telfair,	no	}
Smith,	no		N. W. Jones,	no	
Atlee,	no				

So it passed in the negative.

A motion was then made by Mr. [John Morin] Scott, seconded by Mr. [William] Floyd, to strike out the whole resolu-

tion. And on the question, shall the resolution stand? the yeas and nays being required by Mr. [William] Floyd,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	no	}	Mr. McKean,	ay	}
<i>Massachusetts,</i>			Dickinson,	ay	
Mr. Partridge,	ay	}	Wharton,	ay	
Osgood,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Hanson,	ay	}
Mr. Ellery,	ay	}	Carroll,	ay	
Cornell,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	no	}
Mr. Law,	ay	}	Madison,	no	
Wolcott,	no		Randolph,	no	
<i>New York,</i>			Lee,	no	
Mr. Scott,	no	}	<i>North Carolina,</i>		
Floyd,	no		Mr. Hawkins,	no	}
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	ay	}	Mr. Middleton,	no	}
Boudinot,	ay		Motte,	no	
Condict,	ay		Eveleigh,	no	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	ay	}	Mr. Telfair,	no	}
Smith,	ay		N. W. Jones,	no	
Atlee,	no				

So the question was lost.

A motion was then made by Mr. [Abraham] Clark, seconded by Mr. [Samuel John] Atlee, that the rest of the report be committed; which is as follows:

The Committee to whom was referred the report of a Committee on certain letters and papers relative to the people inhabiting the district of country commonly known by the name of the New Hampshire Grants do report the following resolutions to be adopted by Congress:

Congress having resolved on the 7 day of August last, that in case they should recognize the independence of the people of Vermont, they would consider all the lands belonging to New Hampshire and New York, respectively, lying without the limits of Vermont, aforesaid, as coming within

the mutual guarantee of territory contained in the Articles of Confederation; and that the United States will accordingly guarantee such lands and the jurisdiction over the same, against any claim or encroachments from the inhabitants of Vermont aforesaid; and Congress having, on the 20th day of the same month, required as an indispensable preliminary to the recognition of the independence of the people inhabiting the territory aforesaid, and their admission into the federal union, the explicit relinquishment of all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the northwest corner of the State of Massachusetts, thence running twenty miles east of Hudson's river so far as the said river runs northeasterly in its general course; thence by the west bounds of the townships, granted by the late government of New Hampshire, to the river running from South bay to Lake Champlain; thence along the said river to Lake Champlain; thence along the waters of Lake Champlain to the latitude of forty-five degrees north, excepting a neck of land between Missiskoy bay and the waters of Lake Champlain. And the people inhabiting the territory aforesaid, not having as yet made the relinquishment aforesaid as above required, and attempting since the date of the above resolutions to extend and establish their jurisdiction over part of the lands guaranteed to the states of New York and New Hampshire abovesaid; and it being indispensably necessary to bring all disputes respecting the jurisdiction of the people residing within the territory aforesaid to a speedy issue:

*Resolved*, That the district of territory, commonly known by the name of the New Hampshire Grants, by whatsoever name it may be called, is and shall be bounded westward by a line beginning at the northwest corner of the State of Massachusetts; thence running northward twenty miles east of Hudson's river, so far as the said river runs northeasterly

in its general course; thence to the west boundary line of the townships granted by the late government of New Hampshire; thence northward along the said west boundary line, to the river running from South bay to Lake Champlain; thence along the said river to Lake Champlain; thence along the waters of Lake Champlain to latitude forty-five degrees north, including a neck of land between the Missiskoy bay and the waters of Lake Champlain; thence it shall be bounded north by latitude forty-five degrees north, and eastward by the west bank of Connecticut river, from forty-five degrees north to the northern boundary line of the State of Massachusetts, and southward by the said northern boundary of the State of Massachusetts from the said west bank of Connecticut river, to the northwest corner of Massachusetts above mentioned.

*Resolved*, (Here followed the resolution which was struck out.)

*Resolved*, That in case the Inhabitants residing within the limits aforesaid within one kalender month from the delivery of a certified copy of these Resolutions by the Commissioner hereinafter mentioned, to Thomas Chittenden Esq<sup>r</sup> of the Town of Bennington within the limits aforesaid or from the time of the said Commissioner leaving such certified copy at the usual place of residence of the said Thomas Chittenden Esq<sup>r</sup> shall by some authenticated act recognize the last above described boundaries to be the limits and extent of their claim both of jurisdiction and territory and shall accede to the Articles of Confederation and perpetual union between the States of New Hampshire, Massachusetts, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia as agreed to in Congress on the 15<sup>th</sup> day of November 1777 and shall thereupon appoint Delegates on their behalf with full powers, instructions and positive orders immediately to repair to Congress, and to sign the said Articles of Confederation and afterwards to represent them in the United States in Congress Assembled their said Delegates shall be admitted to sign the same and thereupon the inhabitants of the above described District shall be acknowledged a free Sovereign and independent State by whatsoever name they shall choose to be called,

and shall be considered as a component part of the federal Union and entitled to the advantages thereof.

*Resolved*, That in case the said inhabitants, within the above-described district, do not desist from attempting to exercise the jurisdiction over the lands guaranteed to New Hampshire and New York as aforesaid, and shall not, within the time limited as aforesaid, comply with the terms specified in the foregoing resolutions, Congress will consider such neglect or refusal as a manifest indication of designs hostile to these United States, and that all the pretensions and applications of the said inhabitants, heretofore made for admission into the federal union, were fallacious and delusive; and that thereupon the forces of these States shall be employed against the said inhabitants within the district aforesaid.

~~*Resolved*, That Congress do consider all the lands lying between the western boundary of the above described limits and Hudson's River as guaranteed to the State of New York under the Articles of Confederation and all the lands lying between the west bank of Connecticut River and the line commonly called Mason's Line as guaranteed in like manner to the State of New Hampshire, provided always that Congress will consider any reducing the said inhabitants within the limits aforesaid by force of arms to the subjection of these United States that the Congress will consider the property and jurisdiction of all that part of the said territory lying west of~~

And Congress will consider all the lands within the said territory to the eastward of a line drawn along the summit of a ridge of mountains or heighths of land, extending from south to north, throughout the said territory, between Connecticut river on the east, and Hudson's river and Lake Champlain on the west, ~~to the State of New York and the property and jurisdiction of the said territory lying east of the said [illegible] to the State of New Hampshire, and in such case Congress will consider all the lands lying between the line last mentioned and the western Bounds of the district aforesaid as above limited, as guaranteed to New Hampshire under the Articles of Confederation, and all the lands with-~~



in the said territory to the westward of the said line as guaranteed to New York under the Articles of Confederation: provided always, that Congress will consider any other partition, which shall, hereafter, by an agreement between the legislatures of New Hampshire and New York, be made between their respective States, concerning the territory aforesaid, as guaranteed to them according to such agreement, saving, in either case, all rights accruing to the State of Massachusetts, or any other State under the Articles of Confederation aforesaid: and provided always, that for the more effectually quieting the minds of the inhabitants aforesaid, the said States of New Hampshire and New York, respectively, shall pass acts of indemnity and oblivion, in favour of all such persons as have at any time previous to the passing such acts, acted under the authority of Vermont so called, in any manner whatsoever upon such persons submitting to the jurisdiction of the said States respectively: and provided always, that the said States of New York and New Hampshire, respectively, do pass acts confirming and establishing the titles of all persons whatever, to such lands as they do now actually occupy and possess within the limits of the district aforesaid, under whatever title the same may be held, either from New York, New Hampshire or Vermont so called: and also for confirming and establishing the titles of all persons whatever, to such lands within the district aforesaid, as they may be entitled to under grants from New York, New Hampshire or Vermont so called, according to the priority of such grants in point of time, excepting in such cases where the lands are in the actual occupancy and possession of the claimants, as mentioned in the proviso above said. But inasmuch as some persons claiming in right of grants made under the authority of the district or territory called Vermont, and not actually occupying the same, may be deprived thereof by the interference of other prior grants:

*Resolved*, That in case the partition aforesaid shall take place, any person claiming and deprived as aforesaid, his or her assignee, or representative, shall receive full compensation in lands or otherwise, to be provided by Congress.

*Resolved*, That it be, and it is hereby earnestly recommended to the States of New Hampshire and New York respectively, to pass acts of oblivion and indemnity, in favour of all such persons, residing without the limits of the district above described, who shall heretofore have taken part with the inhabitants residing within the same, against the governments of either of those States, upon such persons quietly and peaceably submitting themselves to the government and jurisdiction of such State respectively, to which they belong.

*Resolved*, That in case of the neglect or refusal of the inhabitants residing within the district aforesaid, to comply with the terms prescribed in the resolutions aforesaid, the Commander in Chief of the armies of these United States, do without delay or further order carry these resolutions as far as they respect his department into full execution.

*Resolved*, That a commissioner be appointed on the part of these United States, whose duty it shall be immediately to repair to the district aforesaid, and deliver a certified copy of these resolutions to Thomas Chittenden, esq. of the town of Bennington aforesaid, or leave such copy at his usual place of residence; and also to enforce on the inhabitants of the said district, the necessity of their complying without delay with the terms above prescribed by Congress, or submitting themselves peaceably to the jurisdiction of the States of New Hampshire and New York, agreeably to the above resolutions.<sup>1</sup>

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 40, II, folio 253. The indorsement shows that it was delivered February 18.

On the question for committing, the yeas and nays being required by Mr. [Elias] Boudinot,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	no	}	Mr. McKean,	ay	} ay
<i>Massachusetts,</i>			Dickinson,	ay	
Mr. Osgood,	no	}	Wharton,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} div.	Mr. Hanson,	ay	} ay
Cornell,	ay		Carroll,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Law,	ay	} ay	Mr. Jones,	ay	} ay
Wolcott,	ay		Madison,	ay	
<i>New York,</i>			Randolph,	ay	
Mr. Scott,	no	} no	Lee,	ay	
Floyd,	no		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Hawkins,	no	}
Mr. Clark,	ay	} ay	<i>South Carolina,</i>		
Boudinot,	ay		Mr. Middleton,	no	} no
Condict,	ay		Bee,	ay	
<i>Pennsylvania,</i>			Motte,	no	
Mr. Montgomery,	ay	} ay	Eveleigh,	no	
Smith,	ay		<i>Georgia,</i>		
Atlee,	ay		Mr. Telfair,	no	} no
			N. W. Jones,	no	

So the question was lost.<sup>1</sup>

#### MONDAY, MARCH 4, 1782

On a report of a committee, consisting of Mr. [Arthur] Lee, Mr. [John Morin] Scott, and Mr. [Thomas] Bee, to whom was referred a letter of 27 February, from the secretary for foreign affairs:

<sup>1</sup>On this day, according to the indorsement, a letter of February 27 from Ebenezer Hazard, Postmaster General, was read and referred to Mr. [Joseph] Montgomery, Mr. [Samuel] Osgood and Mr. [Thomas] Bee. It is in the *Papers of the Continental Congress*, No. 61, folio 105.

A letter dated Tower of London, December 20, 1781, from Henry Laurens was received by Congress on some date about this time. It is not, however, stated when it was received or read. It is in No. 145, folio 93. A copy is on folio 91.

Your Committee to whom was referred a letter from the Minister for Foreign affairs, to the President dated the 27<sup>th</sup> Ult. and praying leave of absence for the Reasons therein contained, beg leave to Report that the last reason assigned by him is sufficient for indulging him in a leave of absence for a few weeks, if in the opinion of Congress the business of his Department will admit of it.

*Resolved*, That the Secretary for foreign affairs have permission to be absent from the public service, for the time requested in his letter of the 27 of February last.<sup>1</sup>

Upon the application of the State of Connecticut contain'd in Governor Trumbull's Letter of the 21<sup>st</sup> of Feby last,

*Resolved*, That the ten companies therein mentioned to be raised for the defence of said State, be supported and paid by the United States upon the same terms and under the like regulations with the troops stationed in Massachusetts or those raised and stationed in the State of New York the last campaign.<sup>2</sup>

<sup>1</sup> This report, in the writing of John Morin Scott, except the last paragraph which is in James Madison's writing, is in the *Papers of the Continental Congress*, No. 25, II, folio 79 and 81.

<sup>2</sup> This motion, in the writing of Richard Law, is in the *Papers of the Continental Congress*, No. 36, IV, folio 99. It is undated. Trumbull's letter is in No. 66, II, folio 208. It was referred on this day to Mr. [Daniel] Carroll, Mr. [Samuel John] Atlee, Mr. [Ezekiel] Cornell.

On this day, according to the indorsement, was presented the memorial of Major William Macpherson, dated Philadelphia, March 1, 1782. It was "referred to the Secretary at War to lie in his office until he shall return and report thereon." It is in No. 41, VI, folio 273.

Also, the petition, undated, of mechanics and others praying for pay and interest on certificates for supplies advanced to the Army by them. It was "ordered to lie," and is in No. 42, V, folio 275.

Also, another letter of February 21 from the Governor of Connecticut. It is in No. 66, II, folio 214.

Also, a representation from the inhabitants of the Western country on the Ohio, which was referred to Mr. [Daniel] Carroll, Mr. [Samuel John] Atlee, Mr. [Ezekiel] Cornell. It is in No. 69, II, folio 401-407.

Also, a letter of February 27 from the Superintendent of Finance, on new taxes to establish a fund for discharging the principal and interest of public debts. It was referred to Mr. [Samuel] Osgood, Mr. [Abraham] Clark, Mr. [Arthur] Lee. It is in No. 137, I, folio 347. According to Committee Books Nos. 186 and 191, the report was delivered March 25, and on August 5, 1782, was referred to the grand committee appointed on July 22.

Also, a letter of February 28, from the Superintendent of Finance, respecting the salary of the Deputy Secretary of Congress. It is in No. 137, I, folio 351.

A memorial, dated March 1, 1782, from Lieutenant Colonel Edward Carrington, was presented and referred, as the indorsement states, to the delegates of Pennsylvania, Maryland and Virginia who were "to confer with com<sup>s</sup> in chief and Gen<sup>l</sup> Knox." It is in No. 41, II, folio 118.

[TUESDAY, MARCH 5, 1782]

*Ordered*, That a Letter from E. Forman respecting provisions furnished the army, be referred to the Superintendant of finance.<sup>1</sup>

WEDNESDAY, MARCH 6, 1782

On a report from the war office, on a memorial of Peter Gansevoort, esq. late a colonel of the New York line, in the service of the United States:

*Resolved*, That Colonel Gansevoort be informed that although Congress have a high sense of his military abilities and courage, particularly displayed in the defence of Fort Schuyler, in 1777, yet it is impracticable with the present arrangement of the army, to reinstate him therein, without manifest injury to other officers, he having been deranged as a junior colonel of that line, and his regiment incorporated agreeably to the principles prescribed in the resolution of Congress of the 3d and 21 of October, 1780.<sup>2</sup>

THURSDAY, MARCH 7, 1782

On a report of a committee, consisting of Mr. [Arthur] Lee, Mr. [Richard] Law and Mr. [John Morin] Scott, to whom were referred two letters from the secretary for foreign affairs, enclosing a memorial from the honorable the minister of France and sundry papers relative to the case of the ship *Resolution's* cargo, part of which was adjudged lawful prize by the sentence of the court of appeals; and the case of the brig *Eersten* and her cargo, which was also adjudged lawful prize, by the said court:

<sup>1</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

<sup>2</sup> Gansevoort's memorial, dated January 28, is in the *Papers of the Continental Congress*, No. 41, III, folio 489. The report of the Secretary at War, dated February 25, is in No. 149, I, folio 145.

On this or an approximate date was read a letter of March 5 from Colonel Laumoy and others. It was ordered to lie. It is in No. 78, XIV, folio 507.

The Committee to whom were referred a letter of the 21st from the Secretary for Foreign affairs, together with a memoire from the Minister of France, and a letter of the Marquis de Boullie, with a memorial from the Legislature of Dominique, all relating to the ship *Resolution*, part of whose cargo has been condemned in the Court of Admiralty of Appeals and of the vessel *Eersten*, which with her Cargo, was condemned in the same Court upon mature deliberation are of opinion and therefore, Report,

That the allegations in the said papers if true are a sufficient ground for a rehearing in each cause. But as it neither appears nor is alledged that a rehearing has in either of them been moved for in the said Court, and refused to the Complainants, which the Committee conceive to be the due course of law, they are of opinion that the supreme intervention of Congress would be premature; yet as the Court of Appeals is not now sitting, they are of opinion, that the officers of the Court of appeals should be ordered to suspend any farther proceedings on the condemnations aforesaid, till the setting of the Court of appeals, shall afford the complainants an opportunity of applying for a rehearing in the due course of law.

The Committee therefore recommend the following resolution:

*Resolved*, That the officers of the Courts of Admiralty or appeals be and are hereby ordered to suspend any proceedings for the sale of the condemned part of the Cargo of the ship *Resolution*, and of the vessel *Eersten* and her Cargo, if the same has not be made, or in the payment of the proceeds that may have arisen from such sales, in case the same shall have been made, till farther order from the Judges of the said Courts.<sup>1</sup>

<sup>1</sup> This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 25, II, folio 85. According to Committee Books Nos. 186 and 191, a letter of February 21 from the Secretary for foreign affairs, enclosing memorial and papers from the Minister of France, was on the same day referred to Messrs. Lee, Law, and Scott. Their report was delivered February 25 and recommitted. On March 1, a letter of February 28 from the Secretary, enclosing a memorial from Capt. Thompson of the Brig *Eersten*, was referred to the same committee.

The following, in the writing of John Morin Scott, is in No. 25, II, 87:

[Draft of Report of Recommitment of the case of part of the Cargo of the Ship *Resolution*, and of the Ship *Eersten* and her Cargo.]

Your Committee to whom were referred the letter of the Secretary for Foreign Affairs of the 21st of February last and the Memoire of the Minister of France and the other papers attending the same, relating to part of the Cargo of the Ship *Resolution*, which was sentenced as prize in the Court of appeals in the admiralty of these United States, and to the Ship *Eersten* and her Cargo in like manner sentenced by the said



*Resolved*, That where sentence hath been or shall be given in the court of appeals, it shall be lawful for any one of the said court in his discretion upon new matter shewn, to stay execution so long as may seem necessary, not exceeding the 1st day of their next session.<sup>1</sup>

The Committee to whom was referred the letter of Timothy Pickering Esq<sup>r</sup>, Quarter Master General, with the letters and papers enclosed, requesting an augmentation of pay and other allowances to be made to the officers in the Quarter Master's Department, beg leave to report the following Resolutions.

Court, having reconsidered the said letter and other papers recommitted to them beg leave to Report,

That it is unusual for the Sovereign Power in any State judicially to controul the established Courts of Justice or reverse their acts and judgements. That this observation appears to this Committee to be conclusive against the

judicial authority either in the  
by the supreme power  
in matters of marine  
tho' by the 9th Article of  
the United States in  
have the sole and exclusive  
establishing rules for  
Cases what captures on  
be legal, and of establishing Courts

[Manuscript torn]

for receiving and determining finally "appeals in all cases of Captures. Yet that the United States in Congress assembled, have not by that or any other article of confederation any judicial, but only a Legislative authority in causes of prize.

That tho' Congress have by virtue of the said 9th article, established and organized such Court of appeals as is therein mentioned, yet there appears to the Committee a manifest defect in its constitution, arising from its long adjournments and the distant residence of the Judges from each other. In consequences whereof in most cases great delays and in many a total denial of Justice may take place for want of authority in a single judge out of Court to do certain interlocutory Acts, for furtherance of the respective Rights of the contending parties. And altho' also Congress will probably soon form some General legislative establishment to remedy the aforesaid evil, yet as the same may take effect too late to administer a remedy in the cases referred to this Committee, they therefore beg leave to recommend the following special Legislative provision in those cases to wit;

*Resolved*, That in the cases of a part of a Cargo of the Ship *Resolution*, and of the Ship *Eersten* and her cargo, wherein respectively sentence of condemnation hath passed in the Court of appeals in the Admiralty of these

**Recommitted.**

United States, either of the Judges of the said Court may and shall on due application made to him for that purpose take the necessary order for stay of execution of the said sentences, respectively, until further order therein respectively be made by the said Court of appeals.

<sup>1</sup> This resolution, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 25, II, folio 89.

*Resolved*, That it is inexpedient to make any addition to the pay or subsistence of the officers in the Quarter Master's Department.

*Resolved*, That in consideration of the business of Quarter Master General being considerably lessened by the present mode of supplying the Army in General by Contract, the pay and subsistence of the Quarter Master General be reduced to the pay and allowance of a Brigadier General.<sup>1</sup>

The Committee of the Week, [Mr. Thomas Smith, Mr. Samuel Wharton, Mr. Silas Condict] report that the letter of Col<sup>d</sup> Laumoy and other officers respecting fire wood be referred to the Secretary at War to report.

That the memorial of Col<sup>d</sup> James Livingston be referred to the Secy at War.

That the Memorial of Isaac Serril be referred to the Superintendant of Finance.<sup>2</sup>

The Committee of the Week report, That the memorial of D<sup>r</sup> Noel lie on the table, Congress having on the 7<sup>th</sup> of Nov<sup>r</sup> 1777, settled with and discharged the said memorialist from their service.<sup>3</sup>

# FRIDAY, MARCH 8, 1782

On a report from a committee, consisting of Mr. [Joseph] Montgomery, Mr. [Ezekiel] Cornell and Mr. [Isaac] Motte, to whom was referred a report from the war office, on a memorial of James Elliot:

WAR OFFICE, *March 1st, 1782.*

SIR,

I have been honored with the memorial of Captain James Elliot referred from Congress and beg leave to report,

That Congress by their act of the 25<sup>th</sup> July, 1777, authorised and empowered the Commander in Chief to appoint a Geographer to the

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folio 169. According to the indorsement it was read this day, the committee being [Ezekiel] Cornell, [Abraham] Clark and [Joseph] Montgomery. It was referred to [Thomas] McKean, [Ezekiel] Cornell and [Isaac] Motte.

<sup>2</sup> This report, in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 32, folio 329. The indorsement shows that it was acted on this day.

The memorial of James Livingston is in No. 41, V, folio 246, and is undated.

<sup>3</sup> This report, in the writing of Silas Condict, is in the *Papers of the Continental Congress*, No. 32, folio 331. The indorsement states that it was passed. It is undated, but belongs to this period. The memorial of D<sup>r</sup>. N. Noel, dated Philadelphia, March 2, is in No. 41, VII, folio 79.

main Army and to organize his department in such manner as would best contribute to the good of the service; but it does not appear that the number of assistants requisite to forward the business of his department were then ascertained in pursuance of the aforesaid resolution.

Captain Hutchins (who is at present without an assistant) speaks highly of the abilities of the memorialist and has represented to me the expediency of electing him to that office.

I therefore beg leave to recommend the following resolution,

*Resolved*, That Captain James Elliot for the reasons set forth in his letter to Congress of the 23<sup>rd</sup> Ulto, be and hereby is appointed Assistant Geographer to the Southern army and entitled to the pay and other emoluments annexed to that office.<sup>1</sup>

The Committee to whom was Referred the letter from Captain Elliot beg leave to report, that they find an assistant to Captain Hutchins in the Southern Department will be necessary, and that Captain Elliott is judged to be well qualified for that office. Therefore,

*Resolved*, That Captain James Elliot be, and he is hereby appointed an assistant geographer to the United States, and that his pay be two dollars and one ration per day; and that this allowance be considered in full for all claims that the said Captain Elliot may have on the United States for half pay, or any other emolument after the war, agreeable to his proposal.<sup>2</sup>

*Ordered*, That Mr. [Edmund] Randolph have leave of absence.

The Committee of the Week [Mr. Thomas Smith, Mr. Samuel Wharton, Mr. Silas Condict], report, That the petition of Asa Douglass Agent for a number of Mohawk or Stockbridge Indians representing that they are defrauded of their lands and praying for redress be committed to a special committee.

And that the petition of John Davison and others praying that the Certificates given by the Quarter Master and Commissary may bear interest, and be made transferable be referred to the Superintendant of Finance.<sup>3</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 149.

<sup>2</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 19, II, folio 227.

<sup>3</sup> This report, the first paragraph in the writing of George Partridge, the second in that of Silas Condict, is in the *Papers of the Continental Congress*, No. 32, folio 327. The indorsement states that it was passed this day.

The Committee [Mr. Joseph Jones, Mr. Thomas Bee, Mr. Daniel Carroll] on William Pickles letter find that Congress came to the following resolution 10<sup>th</sup> July 1780, that a copy of the capitulation of the inhabitants on Lake Pontchartrain dated the 16 October, 1779, and copies of the letters of his Excellency Bernardo de Galvez, Governor of Louisiana, the one to the President of Congress dated 8<sup>th</sup> of May last and the other to Oliver Pollock dated 21 October last be transmitted to honorable John Jay.<sup>1</sup>

## MONDAY, MARCH 11, 1782

On a report of a committee, consisting of Mr. [Joseph] Montgomery, Mr. [Samuel] Osgood, Mr. [Thomas] Bee, to whom was referred a letter of 27 February, from the postmaster general:

*Resolved*, That John Durham Alvey, appointed by the postmaster general with the main army, be, and he is hereby entitled to receive from the paymaster general, on a warrant from the Commander in Chief, the sum of 35 dollars per month for his services, and that he shall also be entitled to one ration per day: <sup>2</sup>

The said committee having reported an Ordinance for regulating the Post Office, the same was read a first time, and Thursday next was assigned for a second reading.

~~By the United States in Congress Assembled, Be it ordained~~ and be it farther ordained by the authority aforesaid

That the Post Master General for the time being, and his assistant, or Clerk, shall be under oath for the faithful performance of the Duties of their respective offices.

<sup>1</sup> This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 137, I, folio 345. It is undated. The indorsement of the letter of February 21 from the Superintendent of Finance, enclosing Pickles's letter, which was referred to the committee, states that the report was read on this day. The Superintendent's letter is in No. 137, I, folio 337.

<sup>2</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 19, I, folio 69.

That it shall be the duty of the Post Master General to superintend the whole Department of the Post office; to appoint such and so many Deputies (for whose fidelity in office he shall be accountable) as to him may seem proper and necessary, to whom he is hereby authorised to allow such commission per cent upon all letters belonging to their offices, as he shall think their respective services merit, so as that the said commissions do not in the whole exceed Twenty per cent. To cause the mail to be carried with all Dispatch, at least once a week; to discontinue such post offices and Post Roads as he shall find to be unnecessary, and which encrease the public expence without yielding a compensation—to see that his deputies keep, and transmit to him, quarterly, regular accounts of the Incomes and Expenditures of their respective offices; and to keep regular and just accounts of the general state of the Post office as to receipts and expences, which he shall deliver annually to the Comptroller of accounts for examination.

That whereas it may be necessary for the Post Master General, or his assistant, to visit the several Post Offices in the United States or otherwise to travel for the performance of the duties aforesaid, the person so traveling shall be allowed, over and above his stated Salary, four dollars per day, during his necessary absence from home upon the business aforesaid; which said allowance, shall be in full for horse hire, traveling expences, and all other expences attending the transaction of the said business.

That there be an Inspector of Dead Letters, who shall be under oath for the faithful and impartial Discharge of the Duties of his office; It shall be his Duty to Inspect, at the expiration of each quarter the dead Letters which shall be returned, to the General Post Office; to communicate to Congress, or to such persons as shall be by them appointed for that purpose, all such Letters as contain intelligence, the communication of which he may think will be advantageous to the Public; To preserve, very carefully all valuable Papers which he may find enclosed in any of the dead Letters, for which he shall be accountable; To keep a book containing an exact account of all such papers so found—the Date of the Letter accompanying them; from whence, and by whom written, and to whom directed, and at the expiration of each Quarter, to publish, in one of the Newspapers printed in such Place where Congress may be sitting, a notification that such



papers are in his possession; to the end that they may be recovered by the owners of them; to whom they shall be delivered without the payment of any other Fee or Reward than the Postage due for such papers, and the Letters in which they were found, according to the rates established by Congress: and the said Inspector is hereby enjoined to take no Copy of any letter whatever. For the performance of the above Services he shall be allowed a Salary of Two hundred and fifty Dollars per annum.

Aug. 8, 1776. That, Whereas it is necessary for the regular and Speedy Conveyance of Letters and Intelligence, that

Aug. 30, 1776. the business of the Post Office should be diligently attended, which cannot be if the persons employed in it are liable to

May 12, 1777. the performance of such public services as are incompatible therewith, the Post Master General, his assistant and Deputies, and all Post Riders shall be exempted from Military Duty, and from serving as Jurymen, and Constables.

That, the Post Master General shall annually pay to the Treasurer of the United States the Profits of the Post Office; and if the necessary expences of this Establishment should exceed the Produce of it, the Deficiency shall be paid by

to the Post Master General, at the expiration of each Quarter, to enable him punctually to fulfill his Contracts with the Riders.

That no person whatsoever, except the stated Post Riders in

Nov. 5, 1776. Public Service, shall carry any Letters or Packets upon the Post Road, for which he shall receive Pay, upon penalty of one hundred Spanish Milled Dollars for each offence: and if any person in the Service of the United States who may occasionally employ an Express Rider, shall knowingly permit such Express Rider to carry with him any other Letters than such as relate to the particular Business upon which he is sent (such Letters as shall be sent from the Post Office only excepted) the Person employing such Rider, and so offending shall forfeit three months' pay, which the person from whom he receives his pay is hereby authorised and directed to retain in his hands for the use of the United States, upon the offender's being legally convicted in any Court within the State where such offence shall happen.

That all Express Riders in the public service, which may be necessarily employed upon any emergent occasion shall (if a post office is established in the place) be hired by the Post Master General, or his deputy, and set out from and return to the Post office, to the end that the expence of several Expresses destined to the same place,



at the same time, may be avoided, and the person desiring that an Express Rider may be employed, shall furnish the Post Master General or his Deputy with money to defray the expence.

That if any person shall rob the Post, or an Express Rider, of his Mail or Dispatches, upon the Road, or in an house, such Robber shall upon conviction, be adjudged guilty of Felony, and suffer accordingly.

That all Ferry Keepers and Ferrymen shall carry the Post Riders and Expresses without charge across their respective  
 Nov. 5, 1776. Ferries in preference to every other person, and immediately upon application for that purpose, or as soon after as is possible.

That to avoid danger from Enemies the Post go not out of his regular and usual course in order to pass by Head Quarters;  
 Oct. 17, 1777. but if Head Quarters should not be upon the stated Post Roads, the Post Master to the Main Army shall have authority to hire a Rider upon the best terms he can, who shall carry the Mails to and from Head Quarters, from and to the nearest Post Office on each side of them, and shall report to the Post Master General his proceedings herein.

That all Masters of vessels having Commission from the United States, shall immediately upon their arrival at any  
 May 5, 1780. port within the said States, lodge all Letters and Packets brought by them from abroad, in the Post Office of the said port (if a Post Office shall be established there) on Penalty of the forfeiture of their Commissions: and the Post Master at such port shall not demand or receive any greater reward for his care and trouble in receiving and delivering out such of the said Letters and Packets which shall belong to such Port, than one penny for each of them.

That the price to be paid for the Postage of Letters  
 Oct. 19, 1781. be the same as at the Commencement of the present War.

That the Salary of the Post Master General be 1250 Dollars per annum, and that of his assistant or clerk 800 Dollars  
 Oct. 19, 1781. per annum.

That as the Letters and Packets which are allowed to pass free of Postage, are a great incumbrance upon the Post Office, and render it necessary for the Post Master General to be furnished with Money (to pay arrearages) which is much wanted for the Supply of other Departments, all Acts, and Resolutions of Congress exempting Letters and Packages from the payment of Postage, be and they are hereby repealed.

That all Letters and Packets, to and from such members of Congress who have taken their Seats, and are actually attending their duty therein, shall pass and be Carried free of postage, the Members having engaged upon honor not to frank or enclose any Letters but their own.

Nov. 8, 1775.

That all Letters and Packets to and from the Commander in Chief of the American Army or the Commander of a Seperate Army on public service pass and be carried free of postage, ~~but none are to be inclosed therein or franked by him which would otherwise be liable to the payment of it.~~

That the Deputy Post Master at such place where Congress shall be sitting shall keep an exact account of the postage, which would be payable for the Letters and Packets to and from the Members of Congress, were they chargeable with postage, and at the expiration of each quarter, shall deliver it to the Post Master General: In like manner the Deputy Post Master in the Main Army shall keep an exact account of the postage of all Letters and Packets sent to and from the Commander in Chief, and shall transmit it at the expiration of each Quarter to the Post Master General and (Provided that the Incomes of the Post office are not sufficient to defray the expences) the Post Master general shall apply to the Superintendant of Finance for a warrant to the Treasurer of the United States for the payment of the amount thereof, which warrant the said Superintendant General of Finance is hereby authorised and required to grant upon application as aforesaid.

That the Post Master to the Main Army, and the Rider to be employed by him when Head Quarters are not upon the stated Post Road, shall receive their pay from the Pay Master General or his Deputy.

That all prosecutions for Breaches of this ordinance, shall be commenced and carried on by the Post Master General, or some Person authorised by him for that purpose in writing under his hand and seal; and the United States will Indemnify the said Post Master General for all Costs, and necessary charges he may incur by doing his duty therein.

~~The said prosecutions shall be conducted and the penalties imposed hereby shall be recovered in the State in which the offence shall be committed, agreeable to the Regulations and according to the laws thereof.~~

The penalties and forfeitures hereby declared and imposed shall be sued for and recovered in the State in which the Offence may be committed and all suits and prosecutions for recovery thereof shall be according to the Laws and Customs of such State in similar Cases.

That all Acts and Resolutions of Congress, respecting the Post Office, which have been heretofore passed, be, and they are hereby repealed.<sup>1</sup>

The committee, consisting of Mr. [Arthur] Lee, Mr. [John Morin] Scott and Mr. [Thomas] Bee, to whom was referred a letter of 26 February, from the Secretary for foreign affairs, report,

The Committee having taken into consideration the Letter from the Secretary for foreign affairs, dated 26<sup>th</sup> Feby. touching the prize money of the Crews of the *Bon-homme Richard* and the *Alliance* Frigate are of opinion—

“That the Secretary for foreign affairs should be directed to draw up a memorial, on the subject of the prize money due to the officers and crews of the *Bon Homme Richard* and the *Alliance* frigate, in the hands of the Sieur le Ray de Chaumont in Paris, and to request of the minister of France to transmit the same with the vouchers to support it, to his Court; and obtain the interposition of his Court to have immediate justice done to the claimants, by the payment of the prize money into the hands of the consul general of these United States in France, for the use of and to be distributed among the said officers and crews, agreeably to the rules of the navy of the United States; and that the Secretary for foreign affairs do write to the consul ~~general~~ of the United States in France, to exert himself in obtaining justice for the claimants.”<sup>2</sup>

On the question, Congress agreed to the said report.

<sup>1</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 59, III, folio 413. The dates indicate when the recommendations were previously adopted.

<sup>2</sup> This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 25, II, folio 83. The resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

The committee, consisting of Mr. [Elias] Boudinot, Mr. [Oliver] Wolcott and Mr. [George] Partridge, to whom was referred a petition of the Stockbridge or River Indians, delivered in a report; Whereupon,

*Ordered*, That the petition of the River or Stockbridge Indians, dated the 28 February, 1782, presented to Congress by Asa Douglass, their agent, be referred to the legislature of the State of New York; and that it be recommended to them to hear the said petitioners, and fully enquire into the matters by them stated in their said petition; and that the said legislature do thereon what shall appear to them reasonable and just in the premises.<sup>1</sup>

[WEDNESDAY, MARCH 13, 1782.]

The Committee of the Week, [Mr. William Floyd, Mr. Nicholas Eveleigh, Mr. George Partridge] report.

That the ~~memorial~~ petition of James Hamilton late assistant Commissary of Issues in the State of New York be referred to the Committee on the report of the committee on the letter of Col. Pickering of the 25<sup>th</sup> of Feby last.

And that such part of the memorial of Simon Metcalf as relates to the furnishing of support to the troops at the reduction of St. Johns and still remain unpaid be referred to the Superintendent of Finance, and that the other part of the memorial lay on the files until some general regulation shall take place for compensating those who may have suffered by the Ravages of the War.

And that the petition of John Turberville praying for compensation for a waggon and horses said to be lost in the publick service in the year 1778 lie on the table.<sup>2</sup>

<sup>1</sup> This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 30, folio 355.

On March 12, according to the indorsement, was read a letter of January 23 from Major General Greene. It is in No. 155, II, folio 393. Also one of January 24, on folio 413.

<sup>2</sup> This report, in the writing of William Floyd, is in the *Papers of the Continental Congress*, No. 32, folio 325.

Hamilton's petition, dated Philadelphia, March 9, is in No. 42, III, folio 429. The indorsement states: "The papers and vouchers enclosed returned to Mr. James Hamilton March 15, 1782." Simon Metcalfe's memorial is in 41, VI, folio 277. Turberville's petition, dated Virginia, February 25, 1782, is in No. 42, VII, folio 428.

[Report of Mr Thomas McKean, Mr Ezekiel Cornell and Mr Isaac Motte on a letter of the 4<sup>th</sup> of March 1782, from the Quartermaster General.]

The Committee to whom was referred the letters and papers from the Quarter Master General report the following resolutions:

~~Resolved, That the Army under the command of General Greene so far as respects the quartermaster-general's department is and shall be considered a separate army. That the quartermaster general proceed to appoint the officers in his department agreeable to the resolutions of the 15 of July 1780 who shall govern themselves accordingly.~~

Resolved, That the Quarter Master General be and he is hereby authorized and directed to appoint for the Southern Army one additional Deputy Quarter Master who is to be principal in that Army which appointment shall continue until the further order of Congress and he shall be allowed for the time he is in Actual service seventy five dollars per month and four rations per day in addition to the pay and subsistence he is allowed in the line the same additional pay and rations shall be allowed to the officer who has done that duty from the time General Greene took the Command of the Southern Army.

Resolved, That all resolutions heretofore passed impowering the Commanding Officer of the Southern Army to appoint its Officers in the Quarter Master General's department be and the same is hereby repealed.<sup>1</sup>

Ordered, That the letter from Major General St. Clair, for claims against the United States, be referred to the Superintendant of finance.<sup>2</sup>

<sup>1</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 19, V, folio 167. According to the indorsement, it was assigned for this day. It was referred to Messrs. [Edmund] Randolph, [William] Ellery and [Abraham] Clark.

<sup>2</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

According to the indorsement, a letter of February 23 from the President of New Hampshire to Samuel Livermore was read on this day, and referred to Mr. [James] Madison, Mr. [Abraham] Clark and Mr. [Ezekiel] Cornell. It is in the *Papers of the Continental Congress*, No. 64, folio 218.

Also, on this or an approximate date, a letter of February 12 from Lieutenant Colonel John Laurens. It is in No. 165, folio 275.



## THURSDAY, MARCH 14, 1782

On a report of a committee, consisting of Mr. [Edmund] Randolph, Mr. [Abraham] Clark and Mr. [William] Ellery, to whom was referred a report on a letter of the 4th, from Colonel Pickering, quartermaster general:

*Resolved*, That so much of the resolution of the 30th of October, 1780, as continues to Major General Greene the power which had been given to Major General Gates by a resolution of the 14<sup>th</sup> of June, in the same year, of appointing the officers in the quartermaster general's department for the southern army, be repealed.

The resolutions of the 15 of July, 1780, providing for the appointment of one deputy quartermaster only for a separate army, and the southern service requiring an additional one:

*Resolved*, That the quartermaster general be, and he is hereby, authorised to appoint, out of the line of the army, an additional deputy quartermaster for the southern army, who shall be subordinate to and under the command of the other deputy quartermaster for the said army, and whose pay shall be the same with that allowed to the deputy quartermaster by the aforesaid resolutions of the 15 of July, 1780.

*Resolved*, That the principal deputy quartermaster to the southern army be allowed, during actual service, 75 dollars per month, and four rations per day, in addition to his pay and subsistence as an officer in the line, until the further order of Congress.

*Resolved*, That the officer who has conducted the quartermaster general's department in the southern army, since General Greene has had the command thereof, be allowed for his past services the same emoluments with those granted to the principal deputy quartermaster in the preceding resolution.<sup>1</sup>

<sup>1</sup> This report, in the writing of Edmund Randolph, is in the *Papers of the Continental Congress*, No. 19, V, folio 165.



On the question for agreeing to allow the sum of *seventy-five dollars* per month to the principal deputy quartermaster to the southern army,

The yeas and nays being required by Mr. [Abraham] Clark,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Partridge,	ay	} ay	Mr. McKean,	ay	} ay
Osgood,	ay		Dickinson,	ay	
<i>Rhode Island,</i>			Wharton,	ay	
Mr. Ellery,	ay	} ay	<i>Maryland,</i>		
Cornell,	ay		Mr. Hanson,	ay	} ay
<i>Connecticut,</i>			Carroll,	ay	
Mr. Law,	ay	} ay	<i>Virginia,</i>		
Wolcott,	ay		Mr. J. Jones,	ay	} ay
<i>New York,</i>			Madison,	ay	
Mr. Scott,	ay	} ay	Randolph,	ay	
Floyd,	ay		Lee,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	no	} no	Mr. Bee,	ay	} ay
Boudinot,	ay		Motte,	ay	
Condict,	no		Eveleigh,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	ay	} ay	Mr. Telfair,	ay	} ay
Clymer,	ay		N. W. Jones,	ay	
Atlee,	ay				

So it was resolved in the affirmative.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Silas] Condict, to add to the foregoing resolutions as follows:

"And whereas the business of the quartermaster general being considerably lessened by the present mode of supplying the army in general by contract, and it being at all times proper to establish the pay and emoluments of officers, as near as possible proportioned to their ranks and services:

*"Resolved,* That for the above reasons, the pay and allowance of the quartermaster general be reduced from 3492 dollars per annum, and rations and other allowances esti-

mated at 1904 dollars per annum, to the same pay and allowance in future of a major general."<sup>1</sup>

On this motion the previous question was moved by the State of Connecticut, seconded by the State of Rhode Island; and on the question to agree to the previous question, the yeas and nays being required by Mr. [Abraham] Clark,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Partridge,	ay	} ay	Mr. McKean,	ay	} ay
Osgood,	ay		Dickinson,	ay	
<i>Rhode Island,</i>			Wharton,	ay	
Mr. Ellery,	ay	} ay	<i>Maryland,</i>		
Cornell,	ay		Mr. Hanson,	ay	} ay
<i>Connecticut,</i>			Carroll,	ay	
Mr. Law,	ay	} ay	<i>Virginia,</i>		
Wolcott,	ay		Mr. Madison,	ay	} ay
<i>New York,</i>			Randolph,	ay	
Mr. Scott,	ay	} ay	Lee,	ay	
Floyd,	ay		<i>South Carolina,</i>		
<i>New Jersey,</i>			Mr. Middleton,	ay	} ay
Mr. Clark,	no	} no	Eveleigh,	ay	
Boudinot,	ay		<i>Georgia,</i>		
Condict,	no		Mr. Telfair,	ay	} ay
<i>Pennsylvania,</i>			N. W. Jones,	ay	
Mr. Montgomery,	no	} ay			
T. Smith,	ay				
Clymer,	ay				
Atlee,	ay				

So it is resolved in the affirmative.

The Committee of the Week [Mr. William Floyd, Mr. Nicholas Eveleigh, Mr. George Partridge,] beg leave to report,

That the memorial of Alexander Power praying for an allowance for two months and two days pay be referred to the Secretary at War.<sup>2</sup>

<sup>1</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, IV, folio 29-<sup>1</sup>.

<sup>2</sup> This report, in the writing of William Floyd, is in the *Papers of the Continental Congress*, No. 32, folio 323. According to the indorsement it was passed on this day. The memorial of Alexander Power, dated Philadelphia, March 13, 1782, is in No. 41, VIII, folio 156.

[FRIDAY, MARCH 15, 1782]

The Committee [Mr. Ezekiel Cornell, Mr. Arthur Middleton, Mr. Samuel Osgood, Mr. Elias Boudinot, and Mr. Daniel Carroll] to whom was refered a letter from the Superintendent of finance of Feb<sup>r</sup> 1782, report the following draft of a circular letter:

~~Seven years have elapsed since the commencement of the present cruel and unprovoked war, during which the direction and superintendence of the political interests of these United States have been intrusted to Congress. The burthen of this important charge may be easily conceivd by comparing the situation, circumstances and resources of these States with those of our common Enemy. The means in our power from the peculiar circumstances of our case were greatly inadequate to the contest in which we were engaged, and still more inadequate to the object, to which we were inevitably led by the contest: And perhaps it may be considered as one of the most fortunate circumstances for the freedom and independence of America, that this object did not open at one view, but gradually encreas'd as the dawning light.~~

~~It is not to be wondered, that in assuming independence, amidst a variety of complicated difficulties, and dangers pressing on every hand with equal force, and in providing for the security of the sovereignty, freedom, and independence of so many States, differing from each other in character, interest, and opinion, the act of Confederation and Union shou'd not provide for every possible circumstance which might attend the body politic; or that in the prosecution of the war, the measures necessary for the common defence shou'd be greatly clogged, and delayed. No funds were established on which credit cou'd be grounded, no power was reserved for raising supplies or to answer emergencies. Hence it became the duty of Congress to apply to the States for those powers and aids, which are indispensibly necessary for the great work of independence. It is on them alone, and their exertions under the blessing of divine providence, that we are now to rely for the means of conducting the war, and bringing it to a happy issue.~~

~~When the peaceable Citizens of these States were first reduced to the necessity of Uniting in their common defence, they had neither arms, ammunition nor money. Necessity then compelled Congress to adopt the dangerous expedient of using paper credit, as the only possible mean of supporting the arduous contest. The consequences of an undue, tho' necessary increase of this paper medium, have been~~

~~too severely felt to need explanation; nor shall we repeat the many efforts used by Congress to call the attention of the Legislatures to this important object.~~ After many applications on the subject of the public exigencies, Congress transmitted to the several States, on the 18th of April last, an estimate of the expences of the current year, and the supplies on which they relied for defraying those expences; and as the distresses of the Army for want of provisions, and their uneasiness and dissatisfaction for want of pay, were then notorious, and as the clamors of the public creditors grew louder and louder, it was judged necessary to state the measures which Congress had before pursued to support the war, provide for public exigencies, and guard against the dangers and embarrassments which which they were then threatend. To this statement Congress again ~~beg leave~~ desire to refer. The recapitulation of past transactions so well known to the Legislature of every State, it was hoped would have awakened them to a sense of the public danger, and have engaged them to a more liberal compliance with the requisitions then made, as the only means of saving our Country from impending calamity. It gives us pain to observe, that these expectations have not been fully answered; and that by the backwardness of the States to grant the necessary supplies, the well ~~concerted~~ laid plans of our General have been diconcerted, and ~~that~~ the designs of Congress ~~have been~~ frustrated in two important objects,—the first ~~founded in~~ prompted by the immutable ~~Laws~~ principles of justice, ~~the relief of~~ to relieve the distresses of thousands who ~~have~~ trusted the U. S. in the hour of difficulty and danger, the last, to establish ~~public credit on a solid foundation, on which depend under God not only our own safety and happiness but that of millions yet unborn~~ public credit on which our safety and success depend.

~~The operations of war admit of no delay; there are times and seasons which must be watched, and which if suffered to pass unimproved cannot be recalled.—Secrecy in planning, and vigour in executing are the only means of insuring success.—We may now inform you that on a reliance that the States wou'd furnish their quotas of men and money required, measures were concerted last year for the attack of New York.—The States were pressed in the most earnest manner, to compleat their battalions and raise the supplies.—The moment for action arrived, but the General found his ranks so thin, and even the small force he had collected so ill supplied, that it became imprudent~~

~~to proceed: disappointment, and a great unprofitable expence ensued; and had it not been for the aid of money granted by our generous Ally, for the providential arrival of his fleet in the Chesapeak, and an almost miraculous coincidence of fortunate circumstances which by the blessing of God were happily improv'd, our public affairs must now have been in the most disagreeable situation.~~

This inattention in the States has almost endangered our very existence as a People, and altho' it is our duty to acknowledge with gratitude the many interpositions of Providence, in our favor, and particularly in the successes of the last campaign, yet to ~~imply~~ expect the assistance of Heaven, without using all the means in our power is rather mockery than religion, and to rely on foreign aid without preparing to cooperate with it ~~effectually is disgraceful and folly in the extreme, especially to a people contending for every thing dear and valuable,~~ is betraying equally our interests and honor. Yet the preservation of these ought to be more peculiarly the care of a People contending, as we are, in the sacred cause of liberty and virtue.

The special and peculiar circumstances of the present moment requiring the most vigorous preparations for an early campaign, it becomes our duty again to urge you to activity and decision. ~~Silence at this important moment would become Criminal.—We therefore mean by this earnest address not only to warn you of your danger and rouse you to action, but also to justify ourselves to our constituents, to the world and our own consciences, well knowing that if the present golden opportunity is lost or unimproved, we have no right to expect another equally advantageous.—By the latest advices from Europe we learn that the Enemy far from relaxing are determined by more strenuous exertions to prosecute the war.—Their resources are great, and they flatter themselves that by perseverance they will waste our strength.—Their vengeance is directed against these States, and it behoves us to be prepared to meet and repel it.—Before this fresh proof of their vindictive fury, experience had fully evinced that our Enemy were bent upon our destruction or subjugation, and it being evident from their pride, obstinacy and malice, that the war would be of much longer duration than was at first apprehended, Congress had employ'd their closest attention in forming plans to baffle their hopes and defeat their malice.—It therefore became necessary no longer to conduct the war by temporary expedients, and desultory~~



~~measures, but by a regular and systematic plan. This could only be effected by restoring public credit, and by checking waste and introducing economy in the public expenditures; to effect these purposes it was thought proper to entrust the management of the finances of these States, and what relates to the preparation for war, in the hands of persons, under the controul of Congress, in whose judgment and fidelity they have a confidence. The benefits resulting from these arrangements are already conspicuous, but it depends upon the States to make them lasting and effectual. The situation of one of these departments makes it especially necessary that many circumstances relative to it should be known, and attended to by the several States in the Union. We therefore transmit you the following extract from the Superintendent's Letter of last month.~~

Tho the Enemy are apparently altering their plan of carrying on the war, yet we must remember that our subjugation or destruction is the ultimate object of all their efforts. ~~It is therefore our duty~~ To disappoint this purpose, and prepare for continuing the war with efficacy whatever might be its duration, permanent and systematic arrangements were necessary.

The establishment restoration of public credit, the expediting business, the checking extravagance and ~~establishing~~ introducing Oeconomy into the public expenditures were the objects which Congress had in view in the establishment of a Super Intendant General of Finance, a Minister of War and Secretary for foreign affairs. The benefits resulting from these arrangements have been already experienced; but it depends upon the States to render them permanent and effectual.

Having thus given you a full view of our present circumstances, we have only to entreat in the most earnest manner a speedy and close attention to this important business, being firmly persuaded that nothing but a punctual compliance with the requisitions both of men and money for the current year will ~~satisfy the public creditors, silence the clamors of the soldiery, add vigour, discipline and decision to the army, give hopes of success in the coming important campaign, and open the way for an honorable and lasting peace,~~ enable us to do justice to the public creditors and bring an army into the field so disciplined and appointed as may ensure a happy issue of the campaign, and conduct us to an honorable and lasting peace.



The Committee beg leave to sit again.<sup>1</sup>

The Committee of the Week, [William Floyd, Nicholas Eveleigh, George Partridge] report, That the memorial of Jonathan Gostelowe late Commissary of Military Stores, complaining of being dismissed from office and requesting that he may be paid ~~with depreciation~~ for past services and that his depreciation may be made up, be referred to the Secretary at War.

And that the petition of Lawrence Powell, requesting that he may be appointed to take charge of the State Prison lay on the table.<sup>2</sup>

*Ordered*, That the motion of the Delegates of Virginia to be credited out of requisition of quota of 8 Millions for Beef she may furnish more than required in the Act for Specific Supplies be referred to the Superintendent of Finance.

*Ordered*, That the Bill of Exchange of July 15, 1780, Brigadier General Moultrie on Samuel Huntington, Esqr., President of Congress, in favour of Thomas Harvey, to take the same order with this as was taken with the Bills drawn by General Lincoln, be referred to the Superintendent of Finance.<sup>3</sup>

## TUESDAY, MARCH 19, 1782

The Secretary at War, to whom was referred a memorial of Lieutenant Power, late of the regiment of artillery artificers, delivered in a report; Whereupon,

<sup>1</sup> This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 24, folio 331. According to the indorsement and to Committee Books Nos. 186 and 191, it was delivered March 12 and "Friday next assigned," and on Friday, March 15, it was "committed anew" to Messrs. [Arthur] Lee, [William] Ellery and [Nicholas] Eveleigh. See *post* March 26.

<sup>2</sup> This report, in the writing of William Floyd, is in the *Papers of the Continental Congress*, No. 32, folio 321. The indorsement states that it was passed on this day. Lawrence Powell's petition, dated March 12, 1782, is in No. 42, VI, folio 268.

<sup>3</sup> These orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance; *Morris Papers, Congressional Proceedings*.

On this day, according to the indorsement, was read a letter of March 9, from the Superintendent of Finance. It is in the *Papers of the Continental Congress*, No. 137, I, folio 355.

On this day, according to Committee Book No. 186, certain extracts from the London Courant, respecting Mr. Laurens's situation in the Tower, were referred to Mr. [Daniel] Carroll, Mr. [Ezekiel] Cornell, Mr. [Edmund] Randolph, Mr. [Nicholas] Eveleigh and Mr. [Abraham] Clark. These extracts, copied from the Courant of October 20 and November 1, 1781, are in No. 19, III, folios 431 and 435.

*Ordered*, That the comptroller adjust the account of Lieutenant Alexander Power, late of the regiment of artillery artificers, for pay up to the 31st of May last, it appearing from a certificate of the commanding officer of the regiment that he did duty therein, and was not officially notified of his dismissal from the service until that time.<sup>1</sup>

On a report of a committee, consisting of Mr. [Joseph] Montgomery, Mr. [Oliver] Wolcott, and Mr. [John Morin] Scott, appointed to prepare a recommendation to the several states, to set apart a day of humiliation, fasting, and prayer Congress agreed to the following

Proclamation:

The goodness of the Supreme Being to all his rational creatures, demands their acknowledgments of gratitude and love; his absolute government of this world dictates, that it is the interest of every nation and people ardently to supplicate his ~~mere~~ favor and implore his protection.

When the lust of dominion or lawless ambition excites arbitrary power to invade the rights, or endeavor to ~~wrench~~ wrest from a people their sacred and ~~unalienable~~ invaluable privileges, and compels them, in defence of the same, to encounter all the horrors and calamities of a bloody and vindictive war; then is that people loudly called upon to fly unto that God for protection, who hears the cries of the distressed, and will not turn a deaf ear to the supplication of the oppressed.

Great Britain, hitherto left to infatuated councils, and to pursue measures repugnant to ~~their~~ her own interest, and distressing to this country, still persists in the ~~chimerical~~-idea design of subjugating these United States; which will compel us into another active and perhaps bloody campaign.

The United States in Congress assembled, therefore, taking into consideration our present situation, our multiplied transgressions of the holy laws of our God, and his past acts of kindness and goodness ~~exercised~~ towards us, which we ~~would~~ ought to record with the liveliest gratitude, think it their indispensable duty to call upon the ~~different~~ several states, to set apart the last Thursday in April next, as a day of fasting, humiliation and prayer, that our joint supplica-

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 153.

tions may then ascend to the throne of the Ruler of the Universe, beseeching Him ~~that he would~~ to diffuse a spirit of universal reformation among all ranks and degrees of our citizens; and make us a holy, that so we may be an happy people; that it would please Him to impart wisdom, integrity and unanimity to our counsellors; to bless and prosper the reign of our illustrious ally, and give success to his arms employed in the defence of the rights of human nature; that He would smile upon our military arrangements by land and sea; ~~and give~~ administer comfort and consolation to our prisoners in a cruel captivity; ~~that he would~~ protect the health and life of our Commander in Chief; ~~give~~ grant us victory over our enemies; establish peace in all our borders, and give happiness to all our inhabitants; that he would prosper the labor of the husbandman, making the earth yield its increase in abundance, and give a proper season for the ingathering of the fruits thereof; that He would grant success to all engaged in lawful trade and commerce, and take under his guardianship all schools and seminaries of learning, and make them nurseries of virtue and piety; that He would incline the hearts of all men to peace, and fill them with universal charity and benevolence, and that the religion of our Divine Redeemer, with all its benign influences, may cover the earth as the waters cover the seas.

||Done by the United States in Congress assembled, &c. &c.||<sup>1</sup>

On a report of a committee, consisting of Mr. [Samuel] Livermore, Mr. [James] Madison, and Mr. [Abraham] Clark, to whom was committed a report on a letter of 25 February from Colonel T. Pickering, quartermaster general:

It being represented to Congress, that in consequence of an opinion entertained by individuals, with whom debts have been contracted by officers and servants of the United States, for supplies furnished and services rendered to the said states, that the said officers and servants were personally liable therefor, divers suits have been, and others probably will be, instituted, whereby such officers and servants may be exposed to great trouble and expence, in cases where the failure to discharge their contracts hath proceeded from the deficiency of the advances received by

<sup>1</sup> This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 24, folio 467.

them, from the public treasury; and Congress having by their resolution of the 2 November last, provided for the redemption of certificates for supplies and services afforded to the United States, by resolving to accept the same from the states producing them, in payment of balances due on former requisitions; and by subsequent resolutions having directed the appointment of commissioners for liquidating and settling all such certificates, and other demands against the United States, as also commissioners for settling finally the accounts of the aforesaid officers and servants, whereby it will appear in what cases nonpayment of the debts contracted by them hath proceeded from misapplication of public moneys advanced to them; and Congress having moreover recommended to the several legislatures to make the necessary provision for the speedy and effectual recovery in behalf of the United States, of all balances which shall be found due from such officers and servants:

*Resolved*, That it be, and hereby is, recommended to the legislatures of the several states, to make suitable provision for staying all suits which have been brought, and preventing future suits by individuals against the aforesaid officers and servants, for debts contracted by them for supplies furnished or services rendered to the United States:

Provided always, that nothing in this resolution contained, shall be construed to imply an opinion in Congress, that the aforesaid officers and servants of these United States, are personally liable for any debts contracted by them for the use and benefit of the said states.<sup>1</sup>

On a report from the Secretary at War,

WAR OFFICE *March 19th 1782.*

SIR,

By the late establishment for the Surgeons of Regiments and their mates they are each confined to one ration per day on which they

<sup>1</sup> This report, in the writing of James Madison, except the last paragraph, which is in that of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, V, folios 171, 175.

are unable to live with any degree of decency, it is their wish to have the number of rations increased; as this can be done without augmenting the expense by deducting the value of the additional rations from their monthly pay, I have no doubt but it will be agreeable to Congress. I therefore submit to their consideration the following resolves:

*Resolved*, That so much of the Act of Congress of the 30 September, 1780, as establishes the pay and rations of the regimental surgeons and their mates, be, and hereby is, repealed:

That in future the pay of a regimental surgeon shall be fifty-nine dollars per month, and that he be entitled to draw three rations per day, and forage as heretofore; and that the pay of a regimental surgeon's mate be in future forty-two dollars per month, and he be entitled to two rations per day.<sup>1</sup>

*Ordered*, That Mr. [Benjamin] Hawkins have leave of absence.

The committee of the week [Mr. Ezekiel Cornell, Mr. Daniel Carroll, Mr. Abraham Clark] report that this memorial [of Jesse Grant] be referred to the Secretary at War as its contents are altogether of a military nature.<sup>2</sup>

#### WEDNESDAY, MARCH 20, 1782

A letter, of the 18th, from General Washington, was read, informing, that he proposes to set out for the army on the North river; Whereupon,

*Resolved*, That he be informed, that Congress will admit him to an audience of leave, to-morrow at half after ten.<sup>3</sup>

The Committee to whom were referred the foreign Despatches, read in Congress on the 18<sup>th</sup> Instant Report,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 159.

<sup>2</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 149, I, folio 196. The indorsement shows that it was agreed to on this day. The memorial, dated March 8, is on folio 191. See *post* March 27.

<sup>3</sup> The proceedings for this day are also entered in an abbreviated form in the *Papers of the Continental Congress*, No. 12 (estimates). Washington's letter is in No. 152, X, folio 471, indorsed as read March 18.



1. That the letters from Mr Jay and Mr Carmichael be referred to a Special Committee, and that the Committee be authorised and instructed to communicate to the Superintendant of finance such parts thereof as relate to his Department and to the committee on retaliation such parts as relate to that subject.

2. That the letters from Dr Franklin and Mr Adams be referred to another Committee, and that the same in like manner communicate the proper extracts to the Superintendant of Finance and to the Committees on subjects to which they relate.

3. That the protest of Capt. Ary de Neuf of the Brigantine *Berkenbaash* be referred to the preceding Committee. That the letter from C<sup>t</sup> de Vergennes with the memorial from Creditors of Capt. Gillon be referred to the Delegates of South Carolina.

That the letters of Capt. Gillon and Mr Searle be referred to the Superintendant of Finance.<sup>1</sup>

#### THURSDAY, MARCH 21, 1782

The Commander in Chief being introduced by two members to his audience the President addressed him as follows

Sir, Congress have been informed by your letter of the 18<sup>th</sup> that you judge it necessary to set out for the army on the North River. They have nothing particular to give you in charge and have appointed this audience only to assure you of their esteem and confidence, to recommend you to the protection of Divine Providence, and to wish you happiness and success.

The General in a short reply having testified the deep sense he had of this repeated assurance of the esteem and confidence of Congress and declared that nothing in his power should be wanting to promote

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, II, folio 91. It was passed on this day as the indorsement states. According to Committee Book No. 186, the letters of Jay and Carmichael were referred to Mr. [James] Madison, Mr. [John Morin] Scott, and Mr. [Daniel] Carroll. The letters of Franklin and Adams and the protest of Ary de Neuf were referred to Mr. [William] Ellery, Mr. [Arthur] Lee, Mr. [Arthur] Middleton, Mr. [Thomas] McKean and Mr. [Joseph?] Jones.

Extracts from the letters of Mr. Jay and Doctor Franklin are in No. 19, III, folio 441, and both letters are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton). Jay's, dated St. Ildefonso, October 3, 1781, is in Vol. IV, page 738; and Franklin's, dated Passy, November 5, 1781, is on page 825.

On this or an approximate date was read a letter dated, Westmoreland, March 10, from Lieutenant Colonel Henry Lee. It is in No. 78, XIV, folio 511.



their views and insure success in the operations of the ensuing campaign took his leave and withdrew.<sup>1</sup>

[Motion of Mr James Madison seconded by Mr Joseph Jones, That Congress approve of the conduct of the Minister plenipotentiary at the Court of Madrid]

*Resolved*, That ~~the Secretary of Foreign Affairs be directed to inform~~ the Minister Plenipo. of the U. S. at the Court of Madrid be informed that Congress entirely approve of his conduct as detailed in his letter of the 3<sup>d</sup> of Oct<sup>r</sup> last; That the limitation affixed by him to the proposed surrender of the navigation of the Mississippi in particular corresponds with the views of Congress; that they observe ~~with much~~ not without surprise and concern that a proposition so liberal in itself and which removed the only avowed obstacle to a connection between the U. S. and His C. M. should ~~have produced so little effect~~ not have produced greater effects on the Councils of the latter; that the surrender of the navigation of the Mississippi was meant as the price of the advantages promised by an early and intimate alliance with the Spanish monarchy, and that if this alliance is to be procrastinated till the Conclusion of the War, ~~during a continuance of which only it can be necessary~~, the reason of the sacrifice will no longer exist.

That as every day which the proposed Treaty is delayed detracts from the obligation and inducement of the U. S. to adhere to their overture, it is the instruction of Congress that he urge to the Ministers of his C. M. the obligation it imposes on Spain to make the Treaty the more liberal on her part; and that in particular he use his endeavors to obtain in consideration of such delay, either an enlargement of her pecuniary aids to the U. S., a facilitating of the use of the ~~navigation of the~~ Mississippi to the Citizens thereof, or some peculiar indulgences in the commerce of the Spanish Colonies in America.<sup>2</sup>

<sup>1</sup> The proceedings for this day are entered only in the *Papers of the Continental Congress*, No. 12 (estimates).

<sup>2</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, IV, folio 7. It is undated.

"The conduct of the Spanish Court subsequent to the date of the letter received the day preceding your departure, corresponds entirely with the tenor of it as therein related. Mr. Jones will inform you of the act of Congress which that letter produced." Madison to Edmund Randolph May —, 1782. *Writings of Madison* (Hunt) I, 190. Randolph is recorded as voting the last time March 14, and must have left Philadelphia soon after. This motion, therefore, should have been presented during the latter part of March.

On this day a letter of the same day, from the Superintendent of Finance was read. It is in No. 137, I, folio 359.

## FRIDAY, MARCH 22, 1782

The committee, consisting of Mr. [Thomas] Bee, Mr. [Samuel John] Atlee, Mr. [Ezekiel] Cornell, to whom were referred a letter of the 21st of February, from Brigadier General Moultrie, and a motion respecting Brigadier General Knox, report,

That they have considered the same, and are of opinion that the request of General Moultrie is reasonable and ought to be granted, and they are the more confirmed of its propriety, when they consider the contents of President Hancock's letter of the 22 July, 1776, and President Jay's letter of the 15 May, 1779, and the Act of Congress of the 13 of the same month, therefore they beg leave to submit the following resolution:

That Brigadier General Moultrie be, and hereby is promoted to the rank of a major general in the army of the United States, to take rank as such from the 14 day of November, 1781.

The committee are also of opinion, that the motion respecting the promotion of Brigadier General Knox, is founded on just principles, and report the same as their opinion, namely,<sup>1</sup>

Brigadier General Knox, commanding officer of the artillery, being recommended by the Commander in Chief by his letter of the 31st day of October last, to be appointed a major general in the army of the United States, on account of his special merit and particularly for his good conduct at the siege of Yorktown, in the State of Virginia:

*Resolved*, That Brigadier General Knox be, and he is hereby promoted to the rank of major general in the line of the army, and that he take rank from the 15th day of November last.

<sup>1</sup> The report up to this point is in the *Papers of the Continental Congress*, No. 19, IV, folio 467. It is in the writing of Ezekiel Cornell. General Moultrie's letter is in No. 158, folio 529.

A motion was made by Mr. [John Morin] Scott, seconded by Mr. [Isaac] Motte, that the consideration of the report be postponed, in order to make way for the following resolution:

"That Brigadiers General James Clinton, William Moultrie, Lauchlin McIntosh, and Henry Knox, be promoted to the rank of majors general."

On the question for postponing, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	no	}	Mr. McKean,	no	}
<i>Massachusetts,</i>			Dickinson,	no	
Mr. Partridge,	no	}	Wharton,	ay	
Osgood,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Hanson,	no	}
Mr. Ellery,	no	}	Carroll,	no	
Cornell,	no		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	ay	}
Mr. Law,	no	}	Madison,	no	
Wolcott,	no		Lee,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	ay	}	Mr. Middleton,	ay	}
Floyd,	ay		Motte,	ay	
<i>New Jersey,</i>			Eveleigh,	ay	
Mr. Boudinot,	no	}	<i>Georgia,</i>		
Condict,	ay		Mr. Telfair,	ay	}
<i>Pennsylvania,</i>			Jones,	ay	
Mr. Montgomery,	no	}			
Smith,	no				
Clymer,	ay				
Atlee,	ay				

So it passed in the negative.

On the question to agree to the resolution for the promotion of Brigadier General ~~Knox~~ Moultrie, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	no	}	Mr. McKean,	no	
<i>Massachusetts,</i>		*	Dickinson,	no	no
Mr. Partridge,	ay	}	Wharton,	no	
Osgood,	ay	}	<i>Maryland,</i>		
<i>Rhode Island,</i>		ay	Mr. Hanson,	ay	
Mr. Ellery,	ay	}	Carroll,	ay	ay
Cornell,	ay	}	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. Jones,	no	
Mr. Law,	ay	}	Madison,	ay	ay
Wolcott,	ay	}	Lee,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	no	}	Mr. Middleton,	no	
Floyd,	no	}	Motte,	no	no
<i>New Jersey,</i>			Eveleigh,	no	
Mr. Boudinot,	ay	}	<i>Georgia,</i>		
Condict,	no	}	Mr. Telfair,	no	
<i>Pennsylvania,</i>		div.	Jones,	no	no
Mr. Montgomery,	ay	}			
Smith,	ay	}			
Clymer,	ay	}			
Atlee,	ay	}			

So the question was lost.

On the question to agree to the resolution for the promotion of Brigadier General Knox, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Livermore,	ay	}	Mr. Law,	ay	
<i>Massachusetts,</i>		*	Wolcott,	ay	ay
Mr. Partridge,	ay	}	<i>New York,</i>		
Osgood,	ay	}	Mr. Scott,	no	
<i>Rhode Island,</i>		ay	Floyd,	no	no
Mr. Ellery,	ay	}			
Cornell,	ay	}			

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Boudinot,	ay	} ay	Mr. Jones,	ay	} ay
Condict,	ay		Madison,	ay	
<i>Pennsylvania,</i>			Lee,	ay	
Mr. Montgomery,	ay	} ay	<i>South Carolina,</i>		
Smith	ay		Mr. Middleton,	no	} no
Clymer,	ay		Motte,	no	
Atlee,	no		Eveleigh,	no	
<i>Delaware,</i>			<i>Georgia,</i>		
Mr. McKean,	ay	} ay	Mr. Telfair,	no	} no
Dickinson,	ay		N. W. Jones,	no	
Wharton,	no				
<i>Maryland,</i>					
Mr. Hanson,	ay	} ay			
Carroll,	ay				

So it was resolved in the affirmative.

The committee, consisting of Mr. [Daniel] Carroll, Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. [Edmund] Randolph, and Mr. [Nicholas] Eveleigh, to whom was referred a letter of 30 October, 1781, respecting the promotion of Colonel Otho Williams, report,

That Colonel Williams stood in the line of promotion to be a brigadier in the district of Delaware and Maryland, under the late regulation of the army; that it appears from the returns of the Maryland line, the troops of that State are divided into two brigades: that the testimonies in favor of Colonel Otho Williams's merit are such as deserve the particular notice of Congress, and therefore submit the following resolution:

That Colonel Otho Williams be appointed a brigadier in the army of the United States.<sup>1</sup>

<sup>1</sup>This report, in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 19, VI, folio 561.

On the question to agree to this resolution, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	ay	}	Mr. McKean,	ay	} ay
<i>Massachusetts,</i>			Dickinson,	no	
Mr. Partridge,	ay	}	Wharton,	ay	
Osgood,	ay	}	<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Hanson,	ay	} ay
Mr. Ellery,	ay	}	Carroll,	ay	
Cornell,	ay	}	<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	no	} no
Mr. Scott,	no	}	Madison,	no	
Floyd,	ay	}	Lee,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Boudinot,	ay	}	Mr. Middleton,	no	} no
Condict,	no	}	Motte,	no	
<i>Pennsylvania,</i>			Eveleigh,	no	
Mr. Montgomery,	ay	} ay	<i>Georgia,</i>		
Smith,	ay		Mr. Telfair,	no	} no
Clymer,	ay		N. W. Jones,	no	
Atlee,	ay				

So the question was lost.

A motion was made by Mr. [Edward] Telfair, seconded by Mr. [John Morin] Scott,

That Brigadiers James Clinton, William Moultrie, and Lachlan McIntosh, be promoted to the rank of majors-general, and that they take rank from the 14 day of November, 1781.

On the question to agree to this, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Livermore,	no	}	Mr. Law,	no	} no
<i>Massachusetts,</i>			Wolcott,	no	
Mr. Partridge,	no	}	<i>New York,</i>		
Osgood,	no	}	Mr. Scott,	ay	} ay
<i>Rhode Island,</i>			Floyd,	ay	
Mr. Ellery,	no	}	<i>New Jersey,</i>		
Cornell,	no	}	Mr. Condict,	no	}



<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Montgomery,	ay	} ay	Mr. Jones,	ay	} no
Clymer,	ay		Madison,	no	
Atlee,	ay		Lee,	no	
<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. McKean,	no	} no	Mr. Middleton,	ay	} ay
Dickinson,	no		Motte,	ay	
Wharton,	no		Eveleigh,	ay	
<i>Maryland,</i>			<i>Georgia,</i>		
Mr. Hanson,	no	} no	Mr. Telfair,	ay	} ay
Carroll,	no		N. W. Jones,	ay	

So the question was lost.<sup>1</sup>

**TUESDAY, MARCH 26, 1782.**

On motion of Mr. [Ezekiel] Cornell, seconded by Mr.——

*Resolved*, That so much of the act of Congress of January 12, 1780, respecting Mr. Galvan, as directs that "he be employed in the inspectorship, as the Commander in Chief shall direct," be and hereby is repealed.

On a report from the Secretary at War, to whom was referred a letter from Colonel Carrington to the quartermaster general,

WAR OFFICE *March 25<sup>th</sup> 1782.*

SIR,

I have considered Colonel Carrington's letter to the Quarter Master General recommending the establishment of a Corps of Pioneers for the Southern Army, from my knowledge of the Country, I conceive this to be a necessary measure, and I beg leave to submit the following Resolve,

*Resolved*, That the quartermaster with the southern army be, and he is hereby empowered to raise, on the best terms possible, a corps of pioneers, consisting of thirty privates, under such officers now in public pay, as he may think proper to appoint, to be governed by the articles of war, and to con-

<sup>1</sup> On some date approximating this was read a letter of January 18 from the Marquis de la Fayette. It is in the *Papers of the Continental Congress*, No. 156, folio 260.

tinue on the establishment one year, unless the service will admit of their being sooner discharged.<sup>1</sup>

SIR: After many applications on the subject of the public exigencies, Congress transmitted to the several states on the 18<sup>th</sup> April last, an estimate of the expences of the current year, and the supplies on which they relied for defraying those expences; and as the distresses of the army for want of provisions, and their uneasiness and dissatisfaction for want of pay, were then notorious, and as the clamors of the public creditors grew louder and louder, it was judged necessary to state the measures which Congress had before pursued to support the war, provide for public ~~exigencies~~ service and guard against the dangers and embarrassments with which they were then threatened. To this statement Congress again desire to refer. The recapitulation of past transactions so well known to the legislature of every state, it was hoped would have awakened them to a sense of the public danger, and have engaged them to a more liberal compliance with the requisitions then made, as the only means of saving our country from impending calamity. It gives us pain to observe that these expectations have not been fully answered, and that by the backwardness of the States to grant the necessary supplies the well laid plans of our general have been disconcerted, and the designs of Congress frustrated in two important objects, the first prompted by the immutable principles of justice, to relieve the distresses of thousands who trusted to the U. S. in the hour of difficulty and danger; the other to establish on a solid foundation, public credit, on which our safety and success depend.

This inattention in the states has almost endangered our very existence as a people, and altho' it is our duty to acknowledge with gratitude the many interpositions of Providence in our favor, and particularly in the successes of the last campaign, yet to expect the assistance of Heaven, without using all the means in our power, is rather mockery than religion, and to rely on foreign aid, without preparing to co-operate with it, is betraying equally our interests and honor. Yet the preservation of these, ought to be more peculiarly the care of a people contending, as we are in the sacred cause of liberty and virtue.

The special and peculiar circumstances of the present moment requiring the most vigorous preparations for an early campaign, it becomes our duty again to urge you to activity and decision.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 179. Carlington's letter, dated March 1, is on folio 175.

~~The' the enemy are apparently altering their plan of carrying on the war yet we must remember that our subjugation or destruction is the ultimate object of all their efforts.—To disappoint this purpose, and prepare for continuing the war with efficacy, whatever might be its duration, permanent and systematic arrangements were necessary. The restoration of public credit, the expediting business, the checking extravagance, and introducing economy into the public expenditure were the objects which Congress had in view in the establishment of a Super Intendent General of Finance, a minister of War, and Secretary for Foreign Affairs.—The benefits resulting from these arrangements have been already experienced; but it depends upon the States to render them permanent and effectual.~~

~~It is not only necessary that the States bring men into the field, but that they be sent early in the campaign as well that they may increase the effective force of the army as that by being seasoned in the service they may be less obnoxious to autumnal diseases, which experience teaches are particularly fatal to recruits.—On our part the States may be assured of our utmost endeavors to diminish the expence of the army as much as possible.~~

We have only now to intreat in the most earnest manner a speedy and an effectual compliance, with our several requisitions, being firmly persuaded, that nothing but a punctual compliance with the Requisitions both of men and money for the current year, will enable us to do justice to the public creditors and bring an army into the field so disciplined and appointed as may insure a happy issue of the campaign and conduct us to an honorable and lasting peace.<sup>1</sup>

The Committee [Mr. William Ellery, Mr. Arthur Lee, Mr. Arthur Middleton, Mr. Thomas McKean and Mr. Joseph (?) Jones], to whom it was referred to inspect sundry Letters from D<sup>r</sup> Franklin and M<sup>r</sup> Adams, and a protest of Captain Ary de Neuf against Capt John Paul Jones, and report thereon, Report as their opinion,

That the letter from D<sup>r</sup> Franklin of the 5<sup>th</sup> of Nov. 1781, and the letters from M<sup>r</sup> J. Adams of the 13<sup>th</sup>. 14<sup>th</sup>. and 18<sup>th</sup>. of Dec. 1781 should be referred to the Secretary for foreign affairs. That the fourth paragraph relative to a loan of five millions in the 2<sup>nd</sup> page, and the 6<sup>th</sup> paragraph relative to the goods left by Commodore Gillon, in the 3<sup>rd</sup> Page of M<sup>r</sup> Adams' letter of the 4<sup>th</sup> of December

<sup>1</sup>This draft of a circular letter to the states is in the *Papers of the Continental Congress*, No. 24, folio 327. The indorsement shows it was reported by Messrs. [Arthur] Lee, [William] Ellery and [Nicholas] Eveleigh, debated March 26 and rejected.

1781 be referred to the Superintendent of Finance and the remainder of said letter to the Secretary ~~of War~~ for foreign affairs and that the protest of Captain Ary de Neuf should also be referred to the Secretary of foreign affairs, ~~that he be~~ who is directed to inquire particularly into the allegations ~~of the said Ary de Neuf against Capt. John Paul Jones for confining him, detaining the Brigantine under his command, and carrying away some of his crew, and other malpractices in violation of the laws of neutrality~~ therein stated and make report to Congress.<sup>1</sup>

The Committee appointed to examine into the state of the public lottery report

That from information received from one of the Commissioners it appears that the drawing of the lottery recommenced more than a year ago, but was suspended for want of money to carry it on 'till the beginning of last winter when the business was reassumed, under the direction of the Superintendent of Finance. That about thirty thousand tickets yet remained to be drawn which will be finished in about thirty days. That the Superintendent of Finance had agreed to furnish £65 per month for the payment of office room, clerks &c. till the business is compleated; that the small prizes are paid in old money or new emissions at 40 for one; that the high prizes are paid in certificates for like money.<sup>2</sup>

The Com<sup>tee</sup> of the week [Mr. Noble Wimberly Jones, Mr. Abraham Clark, Mr. George Partridge] report, That the memorial of Mr Wynkoop late Commander of the vessels on Lake Champlain, with the papers accompanying the same, be referred to the Agent of Marine.

That the petition of Capt. Louis Marnay be dismissed.

~~That on the petition of Capt. Schreiber to submit the following resolution:~~

~~That the Comptroller of Accounts be directed to settle the acc<sup>ts</sup> of Capt. Schreiber as first Lieut of Artillery in the Regiment raised in the State of South Carolina for the time he continued in that service, being from the 26<sup>th</sup> of Nov<sup>r</sup>, 1779, to the 2<sup>nd</sup> of March, 1780, as appears from a Certificate from the Colonel of the Regiment.~~

<sup>1</sup> This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 25, II, folio 93. It is indorsed "Entered 25 March, 1782. Read. Passed March 26<sup>th</sup> 1782."

<sup>2</sup> This report, in the writing of George Partridge, is in the *Papers of the Continental Congress*, No. 26, folio 341. The indorsement shows that it was read on this day. According to Committee Book No. 186, the committee was appointed March 6, and consisted of Mr. [George] Partridge, Mr. [Abraham] Clark and Mr. [Joseph] Montgomery.

Referred to the Secy at War.<sup>1</sup>

The Committee of the Week Report,

That the memorial of Francis Bailey lay on the table.<sup>2</sup>

The Committee of the Week, On the memorial of Capt Richard Varick praying that his Depreciation may be made up to him—Report that the said memorial be referred to the Secy at War.<sup>3</sup>

The Committee to whom was referred the letter of John Dodge report that they have made the fullest enquiry that the circumstances of the case would admit, relative to the facts mentioned in said letter, but have not been able to obtain any evidence to support them, and are therefore of opinion that the committee ought to be discharged.<sup>4</sup>

### WEDNESDAY, MARCH 27, 1782

On motion of Mr. [Abraham] Clark, seconded by Mr. [Ezekiel] Cornell,

*Ordered*, That the Secretary at War make return to Congress of the officers employed in the quartermaster's department.

On motion of Mr. [Samuel] Osgood, seconded by Mr. [Elias] Boudinot,

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 32, folio 319. The memorial of Jacobus Wynkoop, dated March 25, is in No. 41, X, folio 593. Captain Schreiber's petition, dated March 22, is in No. 78, XXI, folio 157.

<sup>2</sup> This report, in the writing of Noble Wimberly Jones, is in the *Papers of the Continental Congress*, No. 32, folio 341. It is undated but belongs to this period.

Francis Bailey's memorial, dated Philadelphia, March 14, 1782, is in No. 43, folio 17.

<sup>3</sup> This report, in the writing of Noble Wimberly Jones, is in the *Papers of the Continental Congress*, No. 32, folio 345. It is undated but belongs to this period.

<sup>4</sup> This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 78, VII, folio 429. See *ante* February 27.

On this day, according to the indorsement, was read a letter of February 18 from Major General Greene. It was referred to Mr. [Ezekiel] Cornell, Mr. [Daniel] Carroll, Mr. [Thomas] Bee. It is in No. 155, II, folio 429.

Also, a letter of Paymaster General J. Pierce, dated February 10, was referred to the Secretary at War. It is in No. 165, folio 645.

Also, a letter of March 25 from the Superintendent of Finance. It is in No. 137, I, folio 363.

Also, on this or an approximate day, was read a letter, of March 26, from the Secretary at War. It is in No. 149, I, folio 183.

*Ordered*, That the Secretary at War make return to Congress of the number of general officers which the Commander in Chief judges necessary to be employed in the field, in the main and separte armies, and in the different parts of the United States.

The Committee of the Week [Mr. Noble Wimberly Jones, Mr. Abraham Clark, and Mr. George Partridge] report.

That the Petition of Capt. Peter Landais be referred to a special Committee.

That the Petition of John Edgar be referred to a special Committee.<sup>1</sup>

WAR OFFICE, *March 26<sup>th</sup>, 1782.*

SIR,

I have considered the petition of Jesse Grant late a Lieutenant in Colonel Webb's Regiment and beg leave to report,

That as the several states have the appointment of all officers in their respective lines under the grade of general officers, I apprehend that the rank of this officer can only be investigated by the State of Connecticut to which line he formerly belonged.

With respect to his pay, I beg leave to submit the following resolution,

*Resolved*, That it be and is hereby recommended to the State of Connecticut to settle the pay of Mr Jesse Grant as lieutenant up to the 13<sup>th</sup> May 1778 and from that time as Captain to the time he returned from Captivity.<sup>2</sup>

SATURDAY, MARCH 30, 1782

The committee, consisting of Mr. [Thomas] McKean, Mr. [Elias] Boudinot, and Mr. [Richard] Law, to whom were referred an ordinance for establishing a court of appeals, and the form of a law to be passed by the several states for regulating the courts of admiralty, delivered in the draught

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 32, folio 299. The indorsement states that it was passed this day. According to Committee Book No. 186, both petitions were referred to Mr. N[oble] W[imberly] Jones, Mr. [Abraham] Clark, and Mr. [George] Partridge on this day.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 197. It was read on this day, the indorsement indicates.



of an ordinance for establishing a court of appeals, which was read a first time:

*Ordered*, That Tuesday next be assigned for the second reading.

The said committee also reported the form of a law to be recommended to the states for regulating the courts of admiralty:

*Ordered*, That Tuesday next be assigned for the consideration of this form.

*Ordered*, That Mr. [Elias] Boudinot have leave of absence.

On the report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Elias] Boudinot, and Mr. [Thomas] McKean, to whom was referred a report from the Secretary at War, on a reward for apprehending deserters, and who were directed to confer with the Superintendant of finance and Secretary at War on the subject:

WAR OFFICE *March 26<sup>th</sup>, 1782.*

SIR:

I have considered the proposed resolves recommending to the several states to make laws giving a bounty to all persons who shall apprehend British deserters &c. I beg leave to submit them to the consideration of Congress, draughted anew in the following manner:

*Resolved*, That it be recommended to the several states to pass laws giving a reward of eight Spanish milled dollars to any person or persons, who shall apprehend and safely confine in the next county jail, any prisoner of war belonging to the British army attempting to make his escape from the place of his confinement and one-eighth of a dollar per mile to pay the travelling expenses to jail and also five ninetieths of a dollar per day for each and every day the prisoner shall therein be confined, all which expense shall be borne by the United States and refunded by the Superintendant of Finance to the states advancing the money, on the accounts being transmitted to him certified by the Governor or President of the said state. And as a farther encouragement for apprehending such deserters, it is recommended to the several states to exempt the person, who shall apprehend and secure a deserter as aforesaid from a tour of Militia duty.<sup>1</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 187.

*Resolved*, That it be and hereby is recommended to the states respectively to pass laws giving a reward of eight dollars to any person or persons, who shall apprehend and safely secure in the next county gaol, or such other place as the executive in each State shall direct, any prisoner of war ~~belonging to the British Army~~ taken from the enemy, who has escaped from the place of his confinement, and one-eighth of a dollar per mile for traveling expences to the said gaol, also five-ninetieths of a dollar per day for the subsistence of each prisoner while confined; all the above sums to be paid by the State in which the prisoner or prisoners shall be confined, and repaid to the State advancing the money as aforesaid by the Superintendant of finance, on the accounts being transmitted to him properly authenticated.

~~And as a further encouragement for apprehending such prisoners, it is recommended to the several states to excuse the person who shall apprehend and confine a prisoner as aforesaid from a tour of militia duty. Whereas it may be impracticable from the situation of some of the goals in the State of New Jersey to secure the prisoners agreeable to the foregoing resolutions, the governor is therefore requested, as soon as the State shall pass laws agreeable to these resolutions to point out by proclamation or otherwise the proper places for the confining and safe keeping the prisoners apprehended agreeable to the foregoing resolutions, anything therein contained to the contrary notwithstanding.~~

[And whereas the legislatures of some of the states may not be in session for some time after this recommendation reaches the State; it is therefore

*Resolved*, That until the legislature shall sit, all sums of money advanced by the treasurer of such State, by direction or advice of the executive authority thereof, or otherwise borne in the first instance by the person or persons apprehending and securing such prisoners, agreeably to the foregoing resolution, shall, when produced to the Superintendant of finance, properly authenticated, be immediately discharged.]

*Resolved*, That it be, and hereby is, recommended to the several states, to take effectual measures to prevent any person or persons from harboring, secreting, assisting, abetting, or comforting, any prisoner of war taken from the enemy, in making his escape from the place of his confinement.<sup>1</sup>

MONDAY, APRIL 1, 1782

On a report of the Superintendant of finance, to whom was referred a motion of Mr. [Thomas] Bee, seconded by Mr. [Isaac] Motte,

OFFICE OF FINANCE, *March 28th, 1782.*

SIR,

The Motion made by the honorable Thomas Bee, Esquire, in Congress, the 25th Instant, being referred to me, I have required a Copy, from the Register, of the Entry made in the Treasury Books; by which I find, that on the 13th September 1780, Major General Lincoln is charged for a Warrant (drawn that Day by the Commissioners of the Treasury, pursuant to an Order of Congress of the 12th Instant) for fifty thousand Dollars, in favor of the honorable Mr. Bee, "In Part of the Monies due him on Account of the Bills of Exchange in his Favor, drawn by Major General Lincoln, and accepted by the Board, in June 1780."

As Mr. Bee alledges that those accepted Bills were not his Property, and that he has given them up to the right Owners, who will claim the full Amount of the Bills, under the Acceptances; and as Congress were in the Practice, at that Time, of granting Money to the Delegates upon their own Applications, charging such Grants to the States they represented, I cannot see any Cause why this Sum may not be added to the others; provided the other Delegates of South Carolina agree to the Charge against their State, and accept Mr. Bee as being accountable thereto, for that Sum.

I have taken the Liberty to draft a Resolution, which with great deference is submitted:

~~Whereas the Sum of Fifty thousand continental Dollars was paid to The honorable Thomas Bee Esqr. by Michael Hillegas Esquire,~~

<sup>1</sup> This report, in the writing of Ezekiel Cornell, except the paragraphs in brackets, which is in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 28, folio 61.

~~upon a Warrant of the Commissioners of the Treasury of the United States dated the 12th Day of September 1780 and which on that Day was charged to the Honble Major General Lincoln as paid in Part of Bills which he had drawn in Favor of the said Mr. Bee and which had been accepted by the Treasury Board in June 1780, but which said Bills not being the Property of Mr. Bee have been by him delivered to the proper owners who will claim the full Sums expressed therein to the Payment of which they will be entitled. The said Thos. Bee Esqr. to remedy the Inconveniences arising upon this Transaction has moved and the other Delegates of South Carolina have agreed that the said Sum of fifty Thousand Dollars be charged as of that Date to the said State to which he the said Thos. Bee Esquire is to be solely accountable;~~

*Resolved*, That the register be, and hereby is, authorised and directed to charge the sum of fifty thousand continental dollars, paid to the Hon. Thomas Bee, in virtue of a warrant dated the 13 September, 1780, to the State of South Carolina, and credit the account of Major General Lincoln for the same.<sup>1</sup>

A letter, of 31 March, from Jonas Fay, Moses Robinson, Paul Spooner and Isaac Tichenor, was read, informing "that in consequence of the resolution of Congress, of the 20 of August last, the State of Vermont have invariably pursued every measure in order to comply with the said resolution, in a manner that was consistent with the obligations she was under to the people inhabiting the east and west unions, and maintaining the peace and harmony of her citizens with those inhabitants"; and enclosing several resolutions of the legislature of Vermont, announcing their compliance with the preliminary required in the said resolution of Congress, of the 20th of August last; together with a duplicate of a commission to them, under the great seal of the State, empowering them, in behalf of the State of Vermont, to subscribe the Articles of Confederation.<sup>2</sup>

<sup>1</sup> The report of the Superintendent of finance, dated March 28, is in the *Papers of the Continental Congress*, No. 137, I, folios 373 and 379. The motion, in the writing of Thomas Bee, on which the resolution was based, is in No. 137, I, folio 381.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 40, II, folio 273, the resolutions of the Vermont legislature are on folio 269, and the commission on folio 187.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [John Morin] Scott,

That the letter of Jonas Fay, &c. with the papers accompanying the same, together with the several papers on the files of Congress, relating to the same subject, and received since the 20th of August last, be referred to a committee.

And on the question for commitment, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	ay	*	Mr. McKean,	ay	} ay
<i>Massachusetts,</i>			Wharton,	ay	
Mr. Partridge,	ay	} ay	<i>Maryland,</i>		
Osgood,	ay		Mr. Hanson,	ay	} ay
<i>Rhode Island,</i>			Carroll,	ay	
Mr. Ellery,	ay	} ay	<i>Virginia,</i>		
Cornell,	ay		Mr. J. Jones,	no	} no
<i>Connecticut,</i>			Madison,	ay	
Mr. Law,	ay	} ay	Lee,	no	
Wolcott,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Middleton,	no	} div.
Mr. Scott,	no	} no	Bee,	ay	
Floyd,	no		<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Telfair,	no	} no
Mr. Clark,	ay	} ay	N. W. Jones,	no	
Condict,	ay				
<i>Pennsylvania,</i>					
Mr. T. Smith,	ay	} ay			
Clymer,	ay				

So it was resolved in the affirmative.

Congress took into consideration the report of the committee, consisting of Mr. [James] Madison, Mr. [Abraham] Clark, and Mr. [Ezekiel] Cornell, to whom was referred a letter of 23 of February last, from the president of New Hampshire, which is as follows: <sup>1</sup>

“That so much of the said letter as relates to five millions of dollars of the old emission, remaining in the treasury of

<sup>1</sup> From this point, the entries in the Journal are by George Bond.

New Hampshire, as a surplus of the quota allotted to that State for redemption, be referred to the Superintendant of finance to report:

“That in answer to the remaining part of the letter, which represents that the State of New Hampshire was over-rated in the requisition made by Congress on the 2d of November last, and contains a return of its inhabitants, amounting to 82,200 only, the president of the said State be informed:

“That as a valuation of land throughout the United States, which the instrument of Confederation prescribes as the rule for apportioning the public burthens on the several states, was under present circumstances manifestly unattainable, Congress were obliged to resort to some other rule in fixing the quotas in the requisition of November last:

“That the number of inhabitants in each State, having been a rule observed in *previous* requisitions of money, naturally presented itself as the most eligible one:

“That as no actual numeration of the inhabitants of each State hath yet been obtained by Congress, the computed number which formed the basis of the first requisition made on the states the 29th of July, 1775, was adhered to:

“That although the particular numeration of the inhabitants of New Hampshire, as stated in the letter, should have been made with due accuracy, still a reduction of its quota in conformity thereto, might produce injustice to the other states; since the computation of July, 1775, may as far exceed their real number as it has been found to exceed that of New Hampshire:

“That if the justice of the application from New Hampshire were less uncertain, it would at this season be impossible to superadd to the quotas of the other states, any deduction from that of New Hampshire, and to make such deduction without superadding it to the quotas of the other states, would leave a deficiency in the revenue which has been found



on calculation to be essential for the exigencies of the current year:

"That the other facts stated by him in his letter, however well founded they may be, are not peculiar to New Hampshire, and if admitted for the purpose to which they are applied, would authorise and produce similar demands from other states:

"That for these considerations, and more especially as the apportionment in question, if hereafter found to be erroneous, will be subject to correction, Congress cannot comply with the request made in behalf of New Hampshire, and confide in the justice and public spirit of the said State for those exertions which may be necessary to prevent deficiency in the public revenue."<sup>1</sup>

A motion was made by Mr. [Samuel] Livermore, seconded by Mr. [Samuel] Osgood, that the consideration of the report be postponed, in order to make way for the following resolution:<sup>2</sup>

"That 66,512 dollars be deducted from the sum set to the State of New Hampshire by the resolution of the 2d November last, as her quota of eight million dollars for the service of the year 1782, it appearing that New Hampshire is over-rated that sum."<sup>3</sup>

On the question for postponing, the yeas and nays being required by Mr. [Samuel] Livermore,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Livermore,	ay } *	Mr. Law,	no } no
<i>Massachusetts,</i>		Wolcott,	no } no
Mr. Partridge,	ay } ay	<i>New York,</i>	
Osgood,	ay }	Mr. Scott,	no } no
<i>Rhode Island,</i>		Floyd,	no }
Mr. Ellery,	ay } ay	<i>New Jersey,</i>	
Cornell,	ay }	Mr. Condict,	ay } *

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 20, I, folio 19. See *post* May 22.

<sup>2</sup> At this point, Charles Thomson resumes the entries in the Journal.

<sup>3</sup> This motion, undated, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 20, I, folio 23. A copy of the vote is on folio 21.

<i>Pennsylvania,</i>			<i>South Carolina,</i>		
Mr. Clymer,	no	*	Mr. Middleton,	no	
<i>Delaware,</i>			Bee,	no	no
Mr. McKean,	no		<i>Georgia,</i>		
Wharton,	no	no	Mr. Telfair,	no	
<i>Maryland,</i>			N. W. Jones,	no	no
Mr. Hanson,	no				
Carroll,	no	no			
<i>Virginia,</i>					
Mr. J. Jones,	no				
Madison,	no	no			
Lee,	ay				

So it passed in the negative.<sup>1</sup>

WEDNESDAY, APRIL 3, 1782

Mr. [Jonathan] Elmer, a delegate for New Jersey, attended, and took his seat.

Mr. [James] Lovell, a delegate for Massachusetts, attended, and took his seat.

On a report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [James] Madison, Mr. [Arthur] Middleton, to whom was referred a resolution passed by the legislature of the State of South Carolina, on the 14 of February, 1782,

*Resolved*, That the said resolution be referred to the Commander in Chief, to take order in the way he shall think most proper to carry the same into effect.<sup>2</sup>

*Ordered*, That Mr. [Isaac] Motte have leave of absence.

A motion was made by Mr. [James] Madison, seconded by Mr. [John Morin] Scott, in the following words:

Congress having by a resolution of the first instant, referred to a committee sundry papers received from Jonas

<sup>1</sup> On this day, according to the indorsement, was read a letter of March 15, from the Governor of North Carolina, acknowledging receipt of certain letters. It is in the *Papers of the Continental Congress*, No. 72, folio 135.

Also, a letter of March 30, from the Secretary at War. It is in No. 149, I, folio 205.

<sup>2</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 20, II, folio 413. The resolution is in No. 72, folio 544.

Fay, &c. together with the other papers on the files of Congress, relating to the same subject, received since the 20 of August last: the yeas and nays having been required on the question, and of the papers so committed, such part only having been entered on the journal of the said day, as states purports on the part of ~~Vermont~~ the New Hampshire Grants, a compliance with ~~the~~ a preliminary requisition contained in the resolution of Congress of the 20 of August last, ~~a previous act the proceedings of Vermont of the 20th of Nov-~~ last from the 16 to the 19 of October last, rejecting the same, and sundry resolutions of the State of New York, of the ~~24<sup>th</sup> day of August~~ 15 and 19 of ~~October~~ November last, both included among the papers referred, being omitted; and an entry on the journals thus partially stating the case, having a tendency to misinform and mislead the public judgment, as well as to defeat the purpose of calling for the yeas and nays, as authorised by the 9 Article of the Confederation, and Congress having adjourned on the 2d instant, whilst the journal of the preceding day was under consideration, whereby the opportunity of then supplying the omission was lost:

*Resolved*, That the secretary be authorised and directed to enter on the journal of the first instant, as of the proceedings of that day, the said proceedings and the said resolutions of the State of New York, which are in the words following, to wit:<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>		<i>Rhode Island,</i>	
Mr. Livermore,	no } *	Mr. Ellery,	no }
<i>Massachusetts,</i>		Cornell,	no } no
Mr. Partridge,	no }	<i>Connecticut,</i>	
Osgood,	no } no	Mr. Law,	no }
		Wolcott,	no } no

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 273.

<i>New York,</i>			<i>Virginia,</i>		
Mr. Scott,	ay	} ay	Mr. Jones,	ay	} ay
Floyd,	ay		Madison,	ay	
<i>New Jersey,</i>			Lee,	ay	
Mr. Clark,	no	} no	<i>South Carolina,</i>		
Condict,	no		Mr. Middleton,	ay	} ay
<i>Pennsylvania,</i>			Bee,	ay	
Mr. Smith,	no	} no	<i>Georgia,</i>		
Clymer,	no		Mr. Telfair,	ay	} ay
<i>Delaware,</i>			N. W. Jones,	ay	
Mr. Dickinson,	ay	} div.			
Wharton,	no				
<i>Maryland,</i>					
Mr. Hanson,	no	} no			
Carroll,	no				

So it passed in the negative.

After the yeas and nays were taken, a dispute arose, whether the two papers referred to should be entered after the words "to wit;" and it being contended, on the one hand, that the papers were handed in with the motion, and ought to be considered as part of the motion, and on the other hand, this being objected to, the secretary desired direction on the matter, but after debate, the house adjourned without giving any direction respecting the entry.<sup>1</sup>

The Committee [Mr. Daniel Carroll, Mr. Samuel John Atlee and Mr. Ezekiel Cornell] to whom was referred a letter from Governor Trumbull of Connecticut and sundry papers from the State of Pennsylvania, with orders to confer with the Commander in Chief, Report,

That the Commander in Chief observed that General Irvine who commands at Pittsburg, had instructions to make the best arrangements in his power for the defence of the frontiers and that two Continental Regts. had been stationed there a considerable time for that purpose which if nearly full would be in his opinion as large a force as the United States are able to support for that service, and tho' the Regts. were now weak, he had ordered them to be reinforced by the first recruits that should be raised in the States to which the Regiments belonged and that he was of opinion that the raising the

<sup>1</sup> This paragraph, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, I, folio 271.

recruits was all that was necessary at present. Your Committee fully concur with the General in sentiment.

Upon considering Governor Trumbull's letter the General observed, that it appeared to him, that the State of Connecticut was in similar circumstances to that of the State of New York as represented by Governor Clinton in his letter of the 19<sup>th</sup> of March 1781. Your Committee being of that opinion submit the following resolution.

That the ten companies mentioned in Governor Trumbull's letter of the 21<sup>st</sup> of Feby. 1782 to be raised for the defence of the State of Connecticut, be paid and subsisted while in actual service at the general expence on the same terms as the troops on the Continental establishment.

~~Provided the said State shall first fill up their quota of troops for the Continental Army and that the officers be in proportion to the number of men in the field.~~

~~Provided that no more officers be paid than those on the Continental establishment belonging to said State unless the noncommissioned officers and privates in the Continental regiment and the levies both together exceed their quota on the Continental establishment in that case the officers to be paid in proportion to the number of such non-commissioned officers and privates.<sup>1</sup>~~

#### THURSDAY, APRIL 4, 1782

On motion of Mr. ~~Clark~~ [Samuel] Livermore, seconded by Mr. ~~Livermore~~ [Abraham] Clark,

*Ordered*, That the two papers referred to by the words "to wit," in the motion of yesterday, be fully entered in the journal as a part of that motion.<sup>2</sup>

The papers are as follows:

"STATE OF VERMONT, CHARLESTOWN, 16 October, 1781.

The governor and council having joined the general assembly in a committee of the whole, to take into consideration the report of <sup>3</sup>

<sup>1</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 20, I, folio 287. It was read on this day, according to the indorsement. In the Committee Book, No. 191, the fact of the submission of the report is noted with the remark, "Question taken and lost." See *post* April 19.

<sup>2</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, I, folio 269.

<sup>3</sup> From this point the entries in the Journal are by George Bond.

the honorable Jonas Fay, Ira Allen and Bezaleel Woodward, esqrs. who were appointed by the legislature of this State, in the month of June last, to repair to the American Congress with powers to propose to, and receive from them terms for an union of this with the United States, &c.

His Excellency THOMAS CHITTENDEN, esq. in the chair:

The said agents laid before the committee the following papers, which were read by the Secretary in their order, viz.

1st and 2d. A copy of their letter to the President of Congress, of the 14th of August last, enclosing a duplicate of their commission.

3d. The resolutions of Congress of the 7th and 8th of August last.

4th. Brigadier General Bellows and associates' petition to New Hampshire, 25th May, 1781.

5th. Petition of the selectmen of Swanzy to New Hampshire, June 9th, 1781.

6th. Hon. Mesheck Weare Esq<sup>r</sup>'s letter, to be laid before Congress, dated 20th June, 1781.

7th. Messrs. Duane and Ezra L'Hommedieu's memorial and prayer to Congress of the 3d day of August, 1781; together with Ira Allen and Stephen R. Bradley, esquires' remonstrance to Congress, dated 22d September, 1780.

8th. Resolve of Congress, dated 17th August, 1781.

9th. Written proposals to committee of Congress, dated August 18th, 1781.

10th. Questions proposed to the agents of Vermont by the committee of Congress, August 18th, 1781.

11th. The foregoing questions, with the answers annexed.

12th. Resolutions of Congress of the 20th of August, 1781.

The further consideration of the report being referred, adjourned till to-morrow morning nine o'clock.

*October 17.*

Met according to adjournment.

The committee proceeded to the consideration of the resolutions of Congress of the 20th day of August aforesaid, and other papers mentioned in the report of said agents, and after some time spent thereon, resolved, that in the opinion of this committee, the legislature cannot comply with the resolutions last referred to, without destroying the foundation of the present universal harmony and agreement that subsists in this State, and a violation of solemn compact entered into by articles of union and confederation.



The further consideration of the report being postponed, adjourned to nine o'clock to-morrow morning.

*October 18.*

The committee having resumed the further consideration of the said report:

*Resolved*, That inasmuch as the resolutions of Congress of the 7th and 20th of August last, did by no means comport with, but entirely preclude any propositions made by our agents; it is therefore the opinion of this committee, that the propositions made by our agents to the committee of Congress on the 18th of August last, ought not in future to be considered as binding on the part of Vermont.

*Resolved*, That it be, and is hereby recommended to the legislature of this State, that their thanks be returned to their honourable agents for their good services in behalf of this State, on the business of their late mission to the Congress of the United States of America.

And this committee recommend to the legislature of this State, to remain firm in the principles on which the State of Vermont first assumed government; and to hold the articles of union which connect each part of the State with the other, inviolate; and for the further information and satisfaction of the honorable the Congress and the world, do recommend to the legislature to publish the following articles, which respect the admission of Vermont into the federal union, viz.

“Art. 1st. That the independence of the State of Vermont be held sacred, and that no member of the legislature shall give his vote or otherwise use his endeavours to obtain any act or resolution of assembly that shall endanger the existence, independence, and well-being of said State, by referring its independency to the arbitrament of any power.

“Art. 2d. That whenever this State becomes united with the American states, and there shall then be any disputes between this and any of the United States, the legislature of the State of Vermont will then (as they have ever proposed) submit to Congress or such other tribunal as may be mutually agreed on for the settlement of any such disputes.”

And that the impartial world may be fully convinced of the good and laudable disposition of Vermont, and of her readiness to comply with any reasonable proposal, for the adjustment of the disputes respecting boundary lines between this and the neighbouring states

of New Hampshire and New York, this committee further recommend to the legislature to make the following proposals to the said states of New Hampshire and New York respectively: that whereas disputes have arisen between the states of New Hampshire and Vermont relative to jurisdictional boundary lines, &c. the legislature of Vermont being willing and desirous, as much as in them lies, to promote unity and good accord between the two states, do propose to the State of New Hampshire, that all matters relating to the aforesaid dispute, shall be submitted to five or more judicious unprejudiced persons, who shall be mutually agreed on, elected and chosen by a committee of legislature on the part of each State respectively.

And that the states of New Hampshire and Vermont do pledge their faith, each to the other, that the decision had by the persons so elected, being made up in writing, signed by the president of such commissioners, and delivered to the secretary of each State respectively, shall be held sacredly binding on each of the said states of New Hampshire and Vermont for ever.

And that proposals of the same tenor be also made to the legislature of New York.

And this committee do further recommend, that nine persons be elected commissioners by the legislature on the part of Vermont, to treat with commissioners to be elected on the part of New Hampshire and New York respectively, for the adjusting the aforesaid jurisdictional boundary lines.

And that they be commissioned by his Excellency the Governor, and the faith of this State be by him pledged, in behalf of the State, that the decision thus had, shall in future be held as sacredly binding on the part of Vermont.

The committee further recommend to the legislature, that the proceedings of this committee, be officially transmitted to the Congress of the United States; and that they be enclosed in a letter, under the signature of his Excellency the Governor, and directed to the President of Congress.

And this committee do further advise the legislature to recommend to the authority in every part of the State, to remain firm in the support of government, and the punctual execution of the laws, notwithstanding the various measures taken to create divisions and discord.

The commissioners chosen for the above purpose, the honorable Elisha Paine, Jonas Fay, Ira Allen and Peter Olcott, Esqrs. Daniel

Jones, Esq. Colonel Gideon Warren, Phineas Whiteside, Esq. Colonel Joseph Caldwell and Ezra Stiles, Esq.

*Resolved*, That it be an instruction to the said commissioners, that they prepare and make the necessary defence in the premises, and that they introduce the said matters to New Hampshire and New York, in such way as to them shall appear best.

*October 19, 1781.*

Voted that this committee be dissolved.

(Signed) BEZA: WOODWARD,  
*Clerk of Committee.*

State of Vermont, in General Assembly, Charlestown, October 19,  
1781.

The aforesaid report being read and question being put, it was unanimously approved and accepted.

(Signed) ROSWELL HOPKINS, *Clerk.*

In council, October 19th, 1781. Read and concurred.

(Signed) JOSEPH FAY, *Secretary.*<sup>1</sup>

State of New York, in Senate and Assembly, the 15th and 19th days of November, in the 6th year of the independence of the said State, one thousand seven hundred and eighty-one:

*Resolved*, That it appears from sufficient evidence that Congress did by their act of the 24th of September, one thousand seven hundred and seventy-nine, inter alia, earnestly recommend to the states of New Hampshire, Massachusetts Bay and New York, to pass laws expressly authorising Congress to hear and determine all differences between them relative to their respective boundaries, in the mode prescribed by the Articles of Confederation; and also by express laws for the purpose to refer to the decision of Congress all differences or disputes between them relative to jurisdiction, which they might respectively have with the people of the district called the New Hampshire Grants; and also to authorise Congress to proceed to hear and determine all disputes subsisting between the grantees of the said states respecting titles to lands lying within the said district, and also that Congress did thereby pledge their faith, after a full and fair hearing of all the said differences and disputes, to decide and determine the same according to equity, and carry into execution and support their determinations and decisions in the premises.

<sup>1</sup>This paper is in the *Papers of the Continental Congress*, No. 40, II, folios 65-75.

*Resolved*, That it appears from the like evidence, that at the time of passing the said act, and for above a century and an half before, to wit, from the first settlement of the colony of New York, now this State of New York, the said colony and this State included by most indubitable right and title, both of jurisdiction and property, all the lands among others to the westward thereof, lying north of the north bounds of the Massachusetts Bay up to the latitude of 45 degrees north, and extending between those boundaries from Hudson's river to Connecticut river, including the waters of the northern lakes, and other waters within those boundaries: that the above extent of territory, which includes the district called the New Hampshire Grants, was by a decree of the British king, to whom the sovereignty thereof as parcel of the colony of New York belonged, made in his privy council the 20th day of July, one thousand seven hundred and sixty-four, between the colonies of New York and New Hampshire, declared to be parcel of the said colony of New York: that in consequence thereof the government of the colony of New Hampshire, expressly ceded and relinquished all claim and title of jurisdiction to the above territory: that thereupon the same was, by acts of legislation of the colony of New York, formed into counties, and such parts thereof as were settled were represented in the legislature of that colony: that they were also represented in the provincial Congress and convention of this State of New York, received aids from them as parcel of this State both before and after the declaration of the independence of these United States; assisted by their representatives in forming the constitution of this State, and fully submitted to the jurisdiction thereof till in the year one thousand seven hundred and seventy-seven.

*Resolved*, That it appears of record, that notwithstanding the above clear and conclusive evidence of right on the part of this State of New York to the territory above described, including as aforesaid the New Hampshire Grants, and though the legislature of this State might therefore consistently with the strictest justice, have asserted their dignity and sovereignty over the district of the New Hampshire Grants; yet they respectfully adopting the sentiments of Congress, that it was essential to the interest of the whole Confederacy, carefully to avoid all intestine dissensions and maintain domestic peace and good order, acquiesced in the submission recommended by the said Act of Congress, and accordingly on the 21st day of October, one thousand seven hundred and seventy-nine, passed a law of this State for that purpose.

*Resolved*, That it satisfactorily appears that in consequence of said law, the agents thereby appointed to manage the controversy on the part of this State, at very great public expence collected the necessary evidence to support the facts asserted in the second above mentioned resolution; and that after many and repeated delays, they were at length, on the 19th day of September, one thousand seven hundred and eighty, in the presence of all the parties interested, (except the State of Massachusetts Bay, who had not passed the necessary act of submission) indulged with an hearing before Congress; in the course of which such evidence as above mentioned was produced on the part of this State, as in the opinion of the agents of this State fully proved to Congress, the several facts contained in the said second above mentioned resolution, and that on the 27th day of the same month, all parties being present (except the State of Massachusetts Bay, and Messrs. Allen and Bradley, agents for the people of the New Hampshire Grants, claiming to be a separate independent jurisdiction, who though duly notified then declined any further attendance) the State of New Hampshire who had also submitted by their legislative act, had an hearing in Congress in support of their claim to the jurisdiction over the district called the New Hampshire Grants: that this State has on their part fully complied with every requisite contained in the said Act of Congress, of the 24th day of September, one thousand seven hundred and eighty, and has accordingly from that day to this, abstained from the grant of any lands within the said district, and also from the exercise of jurisdiction over any of the inhabitants of the said district, who had not acknowledged the same, that on the contrary the revolted inhabitants of the said district having arbitrarily erected themselves into a separate and independent State, unrecognized as such until this day, by this State, or the other United States, and having framed a government, they have passed laws, granted lands, and exercised civil and military authority over the persons and property of those inhabitants, who profess themselves to be subjects of this State, in manifest subversion of the right of sovereignty and property of this State, and in direct contempt and infringement of several acts of Congress: that although they had contented themselves with the exercise of jurisdiction principally up to a line running nearly parallel to Hudson's river, at twenty miles distant therefrom, until the month of June last; yet at that time, notwithstanding the censure and prohibition of Congress and in contempt of their recommendation and authority by an act of their usurped government, they extended a jurisdic-



tional claim over all the lands situate north of the north line of the State of Massachusetts, and extending the same to Hudson's river, then east of the centre of the deepest channel of said river to the head thereof, from thence east of a north line, being extended to latitude forty-five degrees, and south of the same line including all the lands and waters to the place where the said pretended State then assumed to exercise jurisdiction, inserting at the same time in their said Act a clause not to exercise jurisdiction within their jurisdictional claims for the time being: that of all these matters Congress have been fully apprized, and though repeatedly solicited thereto by the delegates of this State, have not hitherto made any decision and determination of the said controversy according to equity, as by their said Act of the 24th day of September, one thousand seven hundred and seventy-nine, they pledged themselves, and by the law of this State they were authorised to do: that to put an end to this delay so injurious to the jurisdiction of this State, so subversive of its interests, peace and polity, so promotive of a repetition of those violent acts of usurped civil and military authority, which in the judgment of Congress declared in their resolution of the 2d of October, one thousand seven hundred and eighty, were highly unwarrantable and subversive of the peace and welfare of the United States, and from which they require the people inhabiting the said grants to desist, until the decision and determination of Congress in the premises, they have actually presumed to exercise sovereign authority and jurisdiction, to the full extent of their said jurisdictional claim, by appointing civil and military officers, making levies of men and money, rescuing delinquents from the hands of justice of this State, at the expence of the blood and the loss of the life of one of the subjects of this State, in the execution of his lawful duty, and forbidding the officers of justice of this State to execute their offices as appears from the papers attendant on his Excellency the Governor's speech, and other due information, that among these to shew the actual exercise of jurisdiction by the usurped government of the said grants, by the stile and title of the State of Vermont, over the territory contained within the said jurisdictional claim, is the copy of a certain proclamation, bearing date the 18th day of July, one thousand seven hundred and eighty-one, purporting to be under the seal of the said pretended State, signed by Thomas Chittenden, who stiles himself their governor, which, after divers falsities and absurdities therein contained, asserts that commissions both civil and military had then been lately issued by the supreme authority



of the said pretended State, to persons chosen agreeable to the laws and customs thereof, in the several districts and corporations within the limits of the above mentioned western or jurisdictional claim, strictly requires, charges and commands all persons of whatsoever quality or denomination residing within the said western claim of jurisdiction, to take due notice of the laws and orders of the said pretended State, and to govern themselves accordingly, on pain of incurring the penalties therein contained, and strictly requires, charges and commands all magistrates, justices of the peace, sheriffs, constables, and all other civil and all military officers, to be active and vigilant in executing the laws aforesaid, without partiality.

*Resolved*, That the legislature of this State is greatly alarmed at the evident intention of Congress, from *political expedience*, as it is expressed in a letter from his Excellency the President of Congress, to his Excellency the Governor of this State, of the 8th of August last, and as is evinced in their acts of the 7th and 20th of the same month, enclosed therein, to establish an *arbitrary* boundary, whereby to exclude out of this State the greatest part of the territory described in the second resolution above mentioned, belonging most unquestionably to this State as part, parcel and member thereof, and to erect such dismemberment possessed by the revolted subjects of this State, into an independent State, and as such to admit them into the federal union of these United States, especially as the two last mentioned acts seem to express the sense of Congress, that the territories of this State, by the Articles of Confederation, are, and as in fact and truth they are by the 2d and 3d articles thereof guaranteed, and still more especially as by a proviso in the 9th article, it is provided that no State shall be deprived of territory for the benefit of the United States.

*Resolved*, That it is the sense of the legislature, that Congress have not any authority by the Articles of Confederation in any wise to intermeddle with the former territorial extent of jurisdiction or property of either of these United States, except in cases of disputes concerning the same between two or more states in the union, nor to admit into the union even any British colony except Canada, without the consent of nine states, nor any other State whatsoever, nor above all to create a new State by dismembering one of the thirteen United States without their universal consent.

*Resolved*, That in case of any attempt by Congress to carry into execution their said acts of the 7th and 20th of August last, this legis-

lature, with all due deference to Congress, are bound in duty to their constituents to declare the same an assumption of power in the face of the said act of submission of this State, and against the clear letter and spirit of the 2d, 3d, 9th and 11th articles of the Confederation, and a manifest infraction of the same, and do therefore hereby solemnly *protest* against the same.

*Resolved*, That a copy of these resolutions be forthwith made and certified by the president of the senate, and the speaker of the assembly, in presence of his Excellency the Governor, who is hereby requested to attest the same with the great seal of this State, and transmit it without delay to Congress, to the end that the same may be entered on their journals, or filed in their archives *in perpetuam rei memoriam*; and that another copy so certified as aforesaid, be delivered to the delegates of this State for their use and guidance, and that they be, and hereby are expressly directed and required to enter their dissent on every step which may be taken in and towards carrying the said two last mentioned acts of Congress into execution.<sup>1</sup>

#### FRIDAY, APRIL 5, 1782

On the report of a committee, consisting of Mr. [George] Clymer, Mr. [Samuel] Osgood and Mr. [Ezekiel] Cornell, to whom was referred a letter, of the 3d, from the Superintendent of Finance,

*Resolved*, That Congress do approve of the motives which have induced the Superintendent of Finance to give the preference above all others to the contract offered by Comfort Sands & Co., Tench Francis, Oliver Phelps, Timothy Edwards and Thomas Lowry for the supply of the moving army.<sup>2</sup>

*Ordered*, That a bill of exchange by John Ashe, Treasurer of the State of North Carolina, on the continental treasurers or either of

<sup>1</sup> Here Charles Thomson resumes the entries in the Journal.

The New York paper is in the *Papers of the Continental Congress*, No. 40, II, folios 105-118.

<sup>2</sup> These two paragraphs were also entered in the manuscript Secret (Domestic) Journal.

The report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, IV, folio 355. The Superintendent of Finance's letter is in No. 137, I, folio 393.

them, in favor of Daniel Mallet, for 250 dollars, dated 20th of May, 1777, be referred to the Superintendant of Finance.<sup>1</sup>

MONDAY, APRIL 8, 1782

On a report from the Secretary at War, to whom was referred a plan of the paymaster general, for the better regulation of the pay of the army:

WAR OFFICE *March 30<sup>th</sup> 1782.*

SIR,

On the plan referred to me by Congress, for the better regulation of the pay of the Army, I beg leave to observe that if it shall be the opinion of Congress that all warrants for the pay and rations of the Army shall issue from the war office, as there all returns are lodged necessary to check the accounts of pay and rations, and to afford full information of public issues of clothing and stores to be deducted from such accounts, it appears to me, if the Secretary at War is to be held accountable for the justness of the warrants he shall issue, that an examination of the pay and ration accounts should be more immediately under his eye and controul than the plan proposed will place them.

If it is meant to place the responsibility in the clerk of musters, should he not be appointed by Congress, and be Independent of the Secretary at War farther than to make returns to him? If this latter is the idea of Congress, the enclosed plan laid before them by the Paymaster General will, with an alteration of the mode of appointment, answer the purposes intended.

Should Congress be of opinion that the examination of the pay and ration accounts ought to be more immediately under the inspection of the Secretary at War, I submit to their consideration the plan for the better regulation of the pay of the Army as taken into a new draught.

*Resolved*, That as all returns necessary to check the accounts of pay and rations, and to give full information of public issues of cloathing and stores, are lodged at the war office,

<sup>1</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings.*

On this or an approximate date was read a letter of March 25 from Major General Heath. It is in the *Papers of the Continental Congress*, No. 157, folio 443.

the Secretary at War is hereby empowered and directed to issue his warrants on the paymaster general, in favour of each regimental paymaster, for the pay and rations which shall appear on adjustment of their accounts to be due to the regiments respectively, and to the head of each department for the pay and rations due to such department: that the accounts for the pay and rations of each regiment, and of each department in the army, from January 1st, 1782, shall be made out at the end of every month, and be transmitted to the war office for examination and warrants:

That the manner of making the payments, of keeping the accounts, and the returns of the regimental paymasters, be regulated by the Secretary at War:

That the paymaster general shall pay on the warrants of the Secretary at War, from such monies as shall be put into his hands for the pay and rations of the troops, and to the orders of the Commander in Chief, or officer commanding ~~in a separate Department~~ the southern army, from such monies as shall be placed in his disposal for contingencies.

[*Resolved*, That all resolutions heretofore passed, empowering general officers to draw warrants on the paymaster general, except that empowering the officer commanding the southern army, be, and the same are hereby repealed.]

That there shall be ~~no more than~~ <sup>Deputies</sup> one Deputy paymaster allowed ~~to the Paymaster General~~ for the Southern army ~~who shall each receive~~ <sup>pay</sup> whose pay shall be and rations per month.

*Resolved*, That there be one deputy paymaster for the southern army:

That there shall be one assistant allowed to the paymaster general, who shall do the duties of a clerk:

That the paymaster general be, and he is hereby authorised to appoint ~~hereafter his deputies~~ deputy and his assistant:

That the paymaster general immediately give bonds with two sureties to the Superintendant of finance, in the sum of

fifteen thousand dollars, for the faithful performance of his office.

~~That the deputy and assistant give bonds to the paymaster general with two sureties for the sum of            dollars for the faithful performance of his office.<sup>1</sup>~~

*Ordered*, That the committee to whom was referred a report from the Secretary at War, on the quartermaster's department, and who were instructed to confer with the Secretary at War on the general arrangement of the staff departments, report the salaries which they judge proper to be allowed to the officers in the said departments, including those of the paymaster general and his deputy and assistant.

*Ordered*, That a letter, of 3, from E. Blaine, and so much of a letter, of 29 March, from the Governor of Virginia, as relates to the inability of the State to comply with the requisition of 13 February, be referred to the Superintendent of finance.<sup>2</sup>

## TUESDAY, APRIL 9, 1782

On a report from the Secretary at War, to whom was referred the report of a committee on a letter of February, from the Superintendent of finance,

*Resolved*, That the Secretary at War do cause accurate returns to be made of every non-commissioned officer and private in the army of the United States, who shall be in service on the first day of June next, specifying the particular

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 211-215, except the paragraph in brackets, which is in the writing of Ezekiel Cornell, undated, and on folio 209.

<sup>2</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

On this day, according to the indorsement, was read a letter of March 29 from the Governor of Virginia. The portion referring to the inability of the state to comply with the resolution of February 13 was referred to the Superintendent of finance. The letter is in the *Papers of the Continental Congress*, No. 71, II, folio 357.

Also, a letter of the same date, from Adjutant General Edward Hand. It is in No. 78, XII, folio 205.

State to which each man belongs, and the time for which they enlisted, and which they have to serve.

*Ordered*, That Mr. [Arthur] Lee have leave of absence.

WEDNESDAY, APRIL 10, 1782

On a report of a committee, consisting of Mr. [George] Clymer, Mr. [Samuel] Osgood and Mr. [Ezekiel] Cornell, to whom were referred two letters from the Superintendent of finance, dated February 26, and April 3, 1782,

*Resolved*, That it be, and hereby is recommended to the legislature of the several states, where excise laws subsist, that they exempt from any charge of excise all such spirituous liquors as may be purchased by contractors for the use of the army of the United States, guarding such exemption from abuse and imposition by the provisions which to them may seem proper and effectual.<sup>1</sup>

On a report of a committee, consisting of Mr. [Philemon] Dickinson, Mr. [Ezekiel] Cornell and Mr. [Samuel John] Atlee, appointed to examine the powers vested in the late Board of War, and to report such of them as appear necessary to be vested in the Secretary at War:

*Resolved*, That the following instructions and additional powers be given to, and vested in the Secretary at War:

That the Commander in Chief be furnished with returns of ordnance and ordnance stores, when he shall request them from the war office:

That the cloathier general receive his instructions from the war office, and that the distributions of cloathing for the army be made under the Secretary at War's directions:

That the Secretary at War shall, in the absence of the Commander in Chief, be empowered to order the holding of

<sup>1</sup> This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 19, IV, folio 353. The Superintendent of Finance's letter of February 26 is in No. 137, I, folio 383; that of April 3 on folio 387.



general courts-martial in the places where Congress may be assembled: ~~and to approve or disapprove of the decisions of such courts-martial.~~

That the commissary general of prisoners, so far as respects the securing of military prisoners and making returns of them, take his directions from the Secretary at War:

That estimates and returns from the different departments be lodged at the war office, to be examined and approved of by the Secretary at War:

~~That the Secretary at War grant passports to such persons as he shall think proper, going within the enemy's lines.~~

~~That the Secretary at War take the necessary measures for obtaining, from time to time, the best information possible of the enemy's situation, movements and designs.~~

That the Secretary at War ~~superintend~~ direct the building and management of laboratories, arsenals, foundries, magazines, barracks, and other public buildings, the necessity of which he is, from time to time, to report, and the same is to be approved of by Congress:

That the Secretary at War be empowered to send off expresses, and to provide guards for the safe conveyance of despatches, money and any articles necessary for the use of the army whenever it shall appear to him to be necessary:

That the care and direction of prisoners of war be vested in the Secretary at War, so far as respects their safe keeping:

That the Secretary at War execute all such matters as he shall be directed by Congress, and give his opinion on all such subjects as shall be referred to him by Congress; and if at any time he shall think a measure necessary to which his powers are incompetent, he shall communicate the same to Congress for their direction therein:

That all military and other officers attending upon or connected with the army of the United States be, and they are hereby required and enjoined to observe the directions of the Secretary at War, in making and transmitting proper

returns, and such other matters as may tend to facilitate the business of his department.<sup>1</sup>

On motion of Mr. [Arthur] Lee, seconded by Mr. [Abraham] Clark,

*Ordered*, That the under secretary of the office for foreign affairs, lay before Congress copies of Dr. Franklin's letters of the following dates, March 31, 1778, July 22, 1778, December 21, 1778, and October 17, 1779.<sup>2</sup>

The Committee of the Week [Mr. Joseph Montgomery, Mr. Jonathan Elmer, Mr. Oliver Wolcott] beg leave to report,

That the petition of Aaron Stratton praying for his depreciation of pay and rations as also a recompense for his losses whilst in captivity be referred to the Secy at War, with the papers accompanying the same.<sup>3</sup>

The Committee of the Week beg leave to report,

That the petition of John Buhler be read in Congress.

That the petition of Lt Morris praying for a settlement of his accounts, incurred by his being ordered to take the charge of an hospital in Litchfield in Connecticut, be referred to the Superintendent of Finance.<sup>4</sup>

*Ordered*, That a letter of T. Bond to the Superintendent of Finance be referred to Mr. N[oble] W[imberly] Jones, Mr. [Abraham] Clark and Mr. [Jonathan] Elmer.<sup>5</sup>

<sup>1</sup> This report, in the writing of Philemon Dickinson, is in the *Papers of the Continental Congress*, No. 27, folio 157.

<sup>2</sup> This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, I, folio 275.

<sup>3</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 32, folio 343. The indorsement states that it was agreed to this day. Stratton's petition, dated March 5, is in No. 42, VII, folio 149.

<sup>4</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 32, folio 347. It is undated but belongs to this period.

<sup>5</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

On this, or an approximate date, a letter of the 10<sup>th</sup>, from the Secretary at War was read. It is in the *Papers of the Continental Congress*, No. 149, I, folio 223.

## MONDAY, APRIL 15, 1782

Mr. [Theodorick] Bland, a delegate of Virginia, attended.

A motion was made by Mr. [John Morin] Scott, seconded by Mr. [Arthur] Lee, ~~in the following words~~ which being amended to read as follows:

"Whereas his Excellency John Hanson, esq. is rendered unable by sickness at present to discharge the functions of his place of President of Congress,

*Resolved therefore*, That Congress will forthwith proceed to elect one of their number by ballot, to preside only during the indisposition of the said John Hanson, esq., ~~who shall be fully restored to his said place as soon as he shall be able to take the chair and preside.~~<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire</i> ,		<i>Connecticut</i> ,	
Mr. Livermore,	no } *	Mr. Law,	ay }
<i>Massachusetts</i> ,		Wolcott,	no } div.
Mr. Partridge,	ay }	<i>New York</i> ,	
Osgood,	ay } ay	Mr. Scott,	ay }
<i>Rhode Island</i> ,		Floyd,	ay } ay
Mr. Ellery,	no }		
Cornell,	ay } div.		

<sup>1</sup> This report, in the writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 36, I, folio 279.

The following motion, in the writing of James Madison, undated, on folio 283, belongs to this period:

The President being indisposed,

*Resolved*, That a member be now chosen to execute the functions of the chair until the President shall attend and resume the same.

Also the following, on folio 287, in the writing of Thomas Bee:

The President of Congress being indisposed ~~and not able to attend, it was moved~~,

*Resolved*, That until he is able to attend and take the chair again, Congress proceed to the choice of one of their own members to preside.

And the following, on folio 287, in the writing of William Ellery:

The President of Congress being indisposed,

*Resolved*, That Congress do appoint one of their members by ballot to preside pro tempore.

*New Jersey,*  
Mr. Clark, ay }  
Boudinot, no } ay  
Elmer, ay }  
Condict, ay }

*Pennsylvania,*  
Mr. Montgomery, ay }  
Smith, ay } ay

*Delaware,*  
Mr. Dickinson, no }  
Wharton, no } no

*Virginia,*  
Mr. Jones, ay }  
Madison, ay } ay  
Bland, ay }  
Lee, ay }

*South Carolina,*  
Mr. Middleton, no }  
Bee, no } no

*Georgia,*  
Mr. Telfair, no }  
Jones, no } no

So the question was lost.

A motion was then made by Mr. [Samuel] Livermore, seconded by Mr. [Elias] Boudinot, in the following words:

That a Vice-president be chosen by ballot, to exercise the office of Vice-president of Congress in the absence or inability of the President, until the first day of November next; and that in case of such absence or inability, the Vice-president shall exercise all the powers of President of Congress.<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. [John Morin] Scott,

*New Hampshire,*  
Mr. Livermore, ay } \*  
*Massachusetts,*  
Mr. Partridge, ay }  
Osgood, ay } ay

*Rhode Island,*  
Mr. Ellery, no }  
Cornell, no } no

*Connecticut,*  
Mr. Law, no }  
Wolcott, ay } div.

*New York,*  
Mr. Scott, no }  
Floyd, ay } div.

*New Jersey,*  
Mr. Clark, no }  
Elmer, no } div.  
Boudinot, ay }  
Condict, ay }

*Pennsylvania,*  
Mr. Montgomery, no }  
Smith, no } no

*Delaware,*  
Mr. Dickinson, no } \*

*Virginia,*  
Mr. Bland, ay }  
Lee, ay } ay

<sup>1</sup> This motion, in the writing of Samuel Livermore, is in the *Papers of the Continental Congress*, No. 36, I, folio 281.

<i>South Carolina,</i>			<i>Georgia,</i>		
Mr. Middleton,	no	} div.	Mr. Telfair,	no	} no
Bee,	ay		N. W. Jones,	no	

So the question was lost.

A motion was then made by Mr. [Thomas] Bee, seconded by Mr. [Arthur] Middleton,

[That whenever the President for the time being, shall be prevented, by sickness or otherwise, from attending the house, one of the members present be chosen by ballot to act as chairman for the purpose of keeping order in the house only, but that all official papers shall nevertheless be signed and authenticated by the President as heretofore.<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Livermore,	no	} *	Mr. Dickinson,	ay	} ay
<i>Massachusetts,</i>			Wharton,	ay	
Mr. Partridge,	ay	} ay	<i>Virginia,</i>		
Osgood,	ay		Mr. Jones,	ay	} ay
<i>Rhode Island,</i>			Madison,	ay	
Mr. Cornell,	ay	} *	Bland,	ay	
<i>Connecticut,</i>			Lee,	ay	
Mr. Law,	ay	} ay	<i>South Carolina,</i>		
Wolcott,	ay		Mr. Middleton,	ay	} ay
<i>New York,</i>			Bee,	ay	
Mr. Scott,	no	} *	<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Telfair,	ay	} ay
Mr. Clark,	ay	} ay	N. W. Jones,	ay	
Elmer,	ay				
Boudinot,	ay				
Condict,	ay				
<i>Pennsylvania,</i>					
Mr. Montgomery,	ay	} ay			
Smith,	ay				
Clymer,	ay				
Atlee,	ay				

<sup>1</sup> This motion, in the writing of Thomas Bee, is in the *Papers of the Continental Congress*, No. 36, I, folio 277.

So it was resolved in the affirmative.]<sup>1</sup>

Congress thereupon proceeded to the election of a chairman; and, the ballots being taken, the Honorable D[aniel] Carroll was elected.

The under secretary in the office of foreign affairs, having, according to order, sent up copies of two letters from Dr. Franklin, one dated March 31st, 1778, and directed to the Hon. Henry Laurens, esq. President of Congress; and the other dated 22d of July, 1778, and directed to the Hon. James Lovell, esq. and the same being read,

On motion of Mr. [Arthur] Lee, seconded by Mr. [George] Partridge.

*Ordered*, That the copies of the letters from Dr. Franklin, just read, be delivered to Mr. [Arthur] Lee.<sup>2</sup>

*Ordered*, That Mr. [James] Lovell have leave of absence.

The Committee [Mr. Ezekiel Cornell, Mr. Daniel Carroll, Mr. Thomas Bee] to whom was referred a letter from General Greene of the 18<sup>th</sup> of February 1782, report the following resolution:—

*Resolved*, That Congress entertain a high sense of the spirited and military conduct of Lt. Col. Henry Lee especially while serving in the Southern Army under the command of Major General Greene, and that this resolution be published by the commanding officer of the Southern Army in General orders.<sup>3</sup>

WAR OFFICE April 10<sup>th</sup>, 1782.

SIR,

On Captain Elliot's petition referred to me in which he requests that it may be ascertained what proportion of his travelling expences shall be borne by the public, and that money may be advanced to bear his expences to the Southern Army—

I beg leave to observe that on the 8<sup>th</sup> Ulto, he was appointed an assistant geographer to the United States with the pay of two dollars, and one ration per day. If he considered this provision as inadequate, would it not have been much better for him and the public,

<sup>1</sup> The portion in brackets is in the writing of George Bond in the Journal.

<sup>2</sup> This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, I, folio 279<sup>a</sup>.

<sup>3</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 19, II, folio 481. It was read on this day, the indorsement indicates.



to have declined the office—for if after such establishments, new claims are made and admitted, it will be impossible to determine the expences of the United States.

An advance of two months pay (which he may receive in common with other officers) and his ration money will enable him to proceed to the Southward where farther provision must be made for him.<sup>1</sup>

**TUESDAY, APRIL 16, 1782**

A petition of John Buhler, of New Orleans, in Louisiana, subject of his Catholic Majesty, was read; praying relief and compensation for continental money which he received in the years 1776 and 1778, of Captain Gibson, and Captain Willing, and their men, in the service of the United States; and of Colonel D. Rogers, and his men, of the Virginia militia, and which money he has still in his possession.

On motion of Mr. [Abraham] Clark, seconded by Mr. [Thomas] Smith,

*Resolved*, That the petition of John Buhler be referred to the future consideration of Congress, when they shall be more competent to judge of the propriety of making good that and other similar claims.<sup>2</sup>

According to Order, Congress proceeded to the consideration of the report of the committee, consisting of Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Daniel of St. Thomas] Jenifer, Mr. T[homas] Smith, and Mr. [Samuel] Livermore, to whom was re-committed a report on the cessions of New York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illinois, and Wabash companies, but came to no determination thereon.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 245. It was read on this day, the indorsement states. Elliot's letter is on folio 237.

On this day, as the indorsement indicates, was read a letter of January 29 from the Marquis de Lafayette. It is in No. 156, folio 264.

<sup>2</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, I, folio 285. Buhler's petition is in No. 42, I, folio 266.

The Committee of the week, [Mr. Theodorick Bland, Mr. Samuel John Atlee, Mr. Jonathan Elmer,] report, That the  
 Passed. memorial from Lieut Roth respecting the depreciation of his pay in the late Gen'. Pulaski's Legion &<sup>ca</sup>, be referred to the Secretary at War.

The letter from Adj<sup>t</sup> Gen'. Hand, be answered by the President.

The letter of W<sup>m</sup> Trumbull [Turnbull] with the papers enclosed,  
 Passed. respecting the purchase of iron ordnance of the Elke River be referred to the ~~Superintendent of Finance~~  
 Secretary at War.

The memorial of the Stockbridge Indians respecting a settlement of lands, be referred to a special committee.

The memorial of Simon Metcalfe praying for a compensation for the  
 Passed. loss of property by the enemy and a repayment for monies advanced for the United States the former part to be filed with other papers of a similar nature, and the latter to be referred to the ~~Comptroller's office for settlement in the usual form~~ Superintendent of Finance.<sup>1</sup>

WEDNESDAY, APRIL 17, 1782

The committee, consisting of Mr. [George] Clymer, Mr. [Daniel] Carroll, Mr. [Abraham] Clark, Mr. [Samuel] Livermore, and Mr. [Richard] Law, to whom was referred the letter of 31 March, from Jonas Fay and others, together with other papers on the files relating to the same subject, received since the 20th day of August last, delivered in a report, which being read,

A motion was made by Mr. [John Morin] Scott, seconded by Mr. [Samuel] Livermore.

That the first Tuesday in October next be assigned for the consideration of the report.

<sup>1</sup> This report, in the writing of Samuel John Atlee, except the last paragraph, which is in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 32, folio 339. According to the indorsement it was acted upon this date. The letter of Wm. Turnbull & Co., dated Philadelphia, March 27, is in No. 41, X, folio 131; the memorial of the Stockbridge Indians is in No. 41, IV, folio 435; and that of Simon Metcalfe in 41, VI, folio 281.

And on this question the yeas and nays were required by Mr. [John Morin] Scott.

The report being as follows:

“That Congress on the 20 of August last, by ~~a majority~~ the votes of nine states, resolved as follows: ‘on a re-consideration of the resolution respecting the people inhabiting the New Hampshire Grants, it was altered and agreed to as follows:

“‘It being the fixed purpose of Congress to adhere to the guarantee to the states of New Hampshire and New York, contained in the resolutions of the 7th instant,

“‘*Resolved*, That it be an indispensable preliminary to the recognition of the independence of the people inhabiting the territory called Vermont, and their admission into the federal union, that they explicitly relinquish all demands of lands or jurisdiction on the east side of the west bank of Connecticut river, and on the west side of a line beginning at the north-west corner of the State of Massachusetts; thence running twenty miles east of Hudson’s river, so far as the said river runs northeasterly in its general course; then by the west bounds of the townships granted by the late government of New Hampshire, to the river running from South Bay to Lake Champlain; thence along said river to Lake Champlain; thence along the waters of Lake Champlain to latitude forty-five degrees north, excepting a neck of land between Missiskoy Bay and the waters of Lake Champlain,’ which resolution was re-considered and confirmed on the succeeding day, to wit, the 21 of the same month:

“That in the opinion of your committee, the competency of Congress to enter into the above resolutions was full and complete, the concurrent resolutions of the senate and assembly of the State of New York, of the 15th and 19th of November last, containing a protest against the authority of Congress in the matter notwithstanding, these concurrent resolutions in letter and in spirit, being undeniably incompatible

with a legislative act of the said State of a preceding day, to wit, the 21st of October, 1779, wherein there is an absolute reference of the dispute between that State and the people of Vermont, respecting jurisdiction, to the final arbitrament and decision of Congress; and from which alone would result to Congress all the necessary authority herein:

“That on the            day of            the people residing in the district called Vermont, in considering the said acts of Congress of the 20 and 21 of August, did reject the propositions therein made to them, as preliminary to an acknowledgment of their sovereignty and independence, and admission into the federal union, as appears by their proceedings on the files of Congress: but, that on a subsequent day, the aforementioned resolutions of the 20 and 21 of August, being unaltered and unrepealed, and the proposition therein contained in the opinion of your committee, still open to be acceded to, the said people did, in their general assembly, on the 22d of February last, enter into the following resolution:

““That the west bank of Connecticut river, and a line beginning at the north west corner of the Commonwealth of Massachusetts, from thence northward twenty miles east of Hudson’s river, as specified in the resolutions of Congress in August last, shall be considered as the east and west boundaries of this State:

““And that this assembly do hereby relinquish all claims and demands to, and right of jurisdiction in and over, any and every district of territory without said boundary lines:’

“That in the sense of your committee, the people of the said district, by the last recited act, have fully complied with the stipulation, made and required of them in the resolutions of the 20 and 21 August, as preliminary to a recognition of their sovereignty and independence, and admission into the federal union of the states, and that the *conditional* promise and engagement of Congress, of such recognition

and admission, is thereby become *absolute* and necessary to be performed; your committee therefore submit the following resolution:

"That the district or territory called Vermont, as defined and limited in the resolutions of Congress of the 20 and 21 of August, 1781, be, and it is hereby recognized and acknowledged by the name of the State of Vermont, as free, sovereign and independent; and that a committee be appointed to treat and confer with the agents and delegates from said State, upon the terms and mode of the admission of the said State, into the federal union."<sup>1</sup>

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	ay	}	Mr. Montgomery,	no	}
<i>Massachusetts,</i>			Smith,	no	
Mr. Partridge,	no	}	Clymer,	no	
Osgood,	no		Atlee,	ay	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	no	}	Mr. Dickinson,	ay	}
Cornell,	no		Wharton,	no	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Law,	no	}	Mr. Carroll,	no	}
Wolcott,	no		<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	ay	}
Mr. Scott,	ay	}	Madison,	ay	
Floyd,	ay		Bland,	no	
<i>New Jersey,</i>			Lee,	ay	
Mr. Clark,	no	}	<i>South Carolina,</i>		
Elmer,	no		Mr. Middleton,	no	}
Boudinot,	no		Bee,	no	
Condict,	no		<i>Georgia,</i>		
			Mr. Telfair,	no	}
			N. W. Jones,	no	

So it passed in the negative.

A motion was then made by Mr. [Joseph] Montgomery, seconded by Mr. [William] Ellery,

<sup>1</sup> This report, in the writing of George Clymer, is in the *Papers of the Continental Congress*, No. 40, II, folio 277.

That the third Tuesday in June next be assigned for the consideration of the report:

On the question to agree to this motion, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no } *		Mr. Montgomery,	ay	} ay
<i>Massachusetts,</i>			Smith,	no	
Mr. Partridge,	ay } div.		Clymer,	ay	
Osgood,	no }		Atlee,	ay	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	ay } ay		Mr. Dickinson,	no	} div.
Cornell,	ay }		Wharton,	ay	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Law,	ay } div.		Mr. Carroll,	ay	} *
Wolcott,	no }		<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	no	} no
Mr. Scott,	no } no		Madison,	no	
Floyd,	no }		Bland,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	no	} no	Mr. Middleton,	no	} no
Elmer,	no		Bee,	no	
Boudinot,	no		<i>Georgia,</i>		
Condict,	no		Mr. Telfair,	no	} no
			N. W. Jones,	no	

So the question was lost.

A motion was then made by Mr. [Arthur] Middleton, seconded by Mr. [Thomas] Bee,

That Monday next be assigned for the consideration of the report.

On the question to agree to this, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Livermore,	no } *		Mr. Law,	no	} no
<i>Massachusetts,</i>			Wolcott,	no	
Mr. Partridge,	no } no		<i>New York,</i>		
Osgood,	no }		Mr. Scott,	ay	} div.
<i>Rhode Island,</i>			Floyd,	no	
Mr. Ellery,	no } no				
Cornell,	no }				



<i>New Jersey,</i>			<i>Maryland,</i>		
Mr. Clark,	no	} no	Mr. Carroll,	no	} *
Elmer,	no		<i>Virginia,</i>		
Boudinot,	no		Mr. Jones,	no	} no
Condict,	ay		Madison,	no	
<i>Pennsylvania,</i>			Bland,	ay	
Mr. Montgomery,	no	} no	Lee,	no	
Smith,	no		<i>South Carolina,</i>		
Clymer,	no		Mr. Middleton,	ay	} ay
Atlee,	no		Bee,	ay	
<i>Delaware,</i>			<i>Georgia,</i>		
Mr. Dickinson,	no	} no	Mr. Telfair,	ay	} ay
Wharton,	no		N. W. Jones,	ay	

So it passed in the negative.<sup>1</sup>

#### THURSDAY, APRIL 18, 1782

On a report of the Secretary at War:

WAR OFFICE *April 17<sup>th</sup>. 1782.*

SIR,

On the motion made by the honorable Delegates from the State of Georgia referred to me, I beg leave to inform Congress, that two hundred pair of pistols a little out of repair can be supplied, and that the Clothier general reports, that he has on hand a quantity of white serge or wilting cloth, which is not immediately wanted for the Continental Army.

I beg therefore to submit the following resolution to the consideration of Congress.

*Resolved,* That the Secretary at War be directed to supply the delegates of the State of Georgia, with two hundred pair of pistols, and serge sufficient for two hundred pair of breeches and waistcoats, and provide for the transportation of these articles and the arms at Richmond, for which the said State is to be accountable.<sup>2</sup>

<sup>1</sup> On this day, according to the indorsement, was read a letter of April 15 from Adjutant General Edward Hand. It is in the *Papers of the Continental Congress*, No. 78, XII, folio 213.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I folio 253. The motion, in Edward Telfair's writing, is on folio 257. The Secretary at War's letter of April 15 on the subject is on folio 249.

The order of the day for taking into consideration the report of the committee on the cessions of New York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illionois and Wabash companies, being called for by the delegates for Virginia, and the first paragraph being read,

A motion was made by Mr. [Arthur] Lee, seconded by Mr. [Theodorick] Bland, in the following words:

"That the *first resolve* in the report under consideration be postponed *till Congress shall have determined on the following motion*:

"That previous to any determination in Congress, relative to the cessions of the western lands, the name of each member present be called over by the secretary, that on such call, each member do declare upon his honour, whether he is, or is not personally interested directly or indirectly in the claims of any company or companies, which have petitioned against the territorial rights of any one of the states, by whom such cessions have been made, and that such declaration be entered on the journals.'"

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [William] Ellery, to strike out the words "till Congress shall have determined on the following motion:"

And on the question, shall those words stand? the yeas and nays being required by Mr. [Theodorick] Bland

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Livermore,	ay	*	Mr. Scott,	ay	} div.
<i>Massachusetts,</i>			Floyd,	no	
Mr. Partridge,	ay	} div.	<i>New Jersey,</i>		
Osgood,	no		Mr. Clark,	no	} no
<i>Rhode Island,</i>			Elmer,	no	
Mr. Ellery,	no	} no	Boudinot,	no	
Cornell,	no		Condict,	no	
<i>Connecticut,</i>					
Mr. Law,	ay	} div.			
Wolcott,	no				

<i>Pennsylvania,</i>					<i>South Carolina,</i>		
Mr. Montgomery,	no	}	no	}	Mr. Middleton,	ay	} ay
Smith,	no				Bee,	ay	
Clymer,	no				<i>Georgia,</i>		
Atlee,	no				Mr. Telfair,	ay	} ay
<i>Maryland,</i>					N. W. Jones,	ay	
Mr. Carroll,	ay	} *					
<i>Virginia,</i>							
Mr. Jones,	ay	}	ay	}			
Madison,	ay						
Bland,	ay						
Lee,	ay						

So it passed in the negative.

A motion was then made by Mr. [Abraham] Clark, seconded by Mr. [Samuel] Osgood, to strike out the words, "the first resolve in," and on the question, shall these words stand? the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>	-			<i>Pennsylvania,</i>			
Mr. Livermore,	ay	}	*	Mr. Montgomery,	no	}	no
<i>Massachusetts,</i>							
Mr. Partridge,	no	Smith,	no				
Osgood,	no	Clymer,	no				
				Atlee,	no		
<i>Rhode Island,</i>				<i>Delaware,</i>			
Mr. Ellery,	no	}	no	Mr. Wharton,	no	}	*
Cornell,	no			<i>Maryland,</i>			
<i>Connecticut,</i>				Mr. Carroll,	no	}	*
Mr. Law,	ay	}	div.	<i>Virginia,</i>			
Wolcott,	no			Mr. Jones,	ay	}	ay
<i>New York,</i>		Madison,	ay				
Mr. Scott,	ay	Lee,	ay				
Floyd,	no	}	div.	<i>South Carolina,</i>		}	ay
				Mr. Middleton,	ay		
<i>New Jersey,</i>		Mr. Clark,	no	Bee,	ay		
		Elmer,	no	<i>Georgia,</i>			
Boudinot,	no	}	no	Mr. Telfair,	ay	}	ay
Condict,	no			N. W. Jones,	ay		

So it passed in the negative.

A motion was then made by Mr. [James] Madison, seconded by Mr. [John Morin] Scott, after the word "postponed," to insert the words "until to-morrow:" on which the yeas and nays being required by Mr. [Theodorick] Bland,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	ay	*	Mr. Montgomery,	ay	}no
<i>Massachusetts,</i>			Smith,	no	
Mr. Partridge,	no	}no	Clymer,	no	
Osgood,	no		Atlee,	no	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	no	}no	Mr. Wharton,	no	*
Cornell,	no		<i>Maryland,</i>		
<i>Connecticut,</i>			Mr. Carroll,	no	*
Mr. Law,	ay	}div.	<i>Virginia,</i>		
Wolcott,	no		Mr. Jones,	ay	}ay
<i>New York,</i>			Madison,	ay	
Mr. Scott,	ay	}div.	Bland,	ay	
Floyd,	no		Lee,	ay	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	no	}no	Mr. Middleton,	ay	*
Elmer,	no		<i>Georgia,</i>		
Boudinot,	no		Mr. Telfair,	ay	}ay
Condict,	no		N. W. Jones,	ay	

So the question was lost.

A motion was then made by Mr. [Arthur] Lee, seconded by Mr. [Joseph] Montgomery, after the word "postponed," to insert the words "until Monday next:" on which the yeas and nays being required by Mr. [Daniel] Carroll,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Livermore,	ay	*	Mr. Scott,	ay	}div.
<i>Massachusetts,</i>			Floyd,	no	
Mr. Partridge,	no	*	<i>New Jersey,</i>		
<i>Rhode Island,</i>			Mr. Clark,	no	}no
Mr. Ellery,	no	}no	Elmer,	no	
Cornell,	no		Boudinot,	no	
<i>Connecticut,</i>			Condict,	no	
Mr. Law,	ay	}div.			
Wolcott,	no				

<i>Pennsylvania,</i>			<i>Virginia,</i>		
Mr. Montgomery,	ay	}no	Mr. Jones,	ay	}ay
Smith,	no		Madison,	ay	
Clymer,	no		Bland,	ay	
Atlee,	no		Lee,	ay	
<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. Wharton,	no	*	Mr. Middleton,	ay	}ay
<i>Maryland,</i>			Bee,	ay	
Mr. Carroll,	no	*	<i>Georgia,</i>		
			Mr. Telfair,	ay	}ay
			N. W. Jones,	ay	

So the question was lost.<sup>1</sup>

#### FRIDAY, APRIL 19, 1782

A report from the Secretary at War was read, stating the inconvenience that may arise from the sale of the vessel lately used for a prison ship in the harbor of Boston.

*Ordered,* That it be referred to the Superintendent of finance, as agent of marine, to confer with the Secretary at War, and take order in the matter.

On a report of the Secretary at War, to whom was referred a memorial of W. Turnbull & Co.

WAR OFFICE, *April 18<sup>th</sup>, 1782.*

SIR,

It appears beyond a doubt that the six pound cannon mentioned in the memorial of Mess<sup>rs</sup>. Turnbull & Co., referred to me, are not such cannon as the Superintendant of Finance advertised for sale, and did actually sell on public account, being without carriages if not otherwise deficient.

It cannot therefore be questioned, I think, that the sale must and ought to be void.

On this idea I beg leave to submit the following resolve,

*Resolved,* That the full sum paid by Mess<sup>rs</sup>. Turnbull & Co. to the treasurer of the United States, for three pair of six

<sup>1</sup> On this day, according to the indorsement, was read a letter of the same date, from Thomas Edison. It is in the *Papers of the Continental Congress*, No. 78, VIII, folio 385.

Also, one dated April 18, from the Secretary at War. It is in No. 149, I, folio 263.

pound cannon, sold with carriages of which they are destitute, be returned to them, and the bargain considered as null and void.<sup>1</sup>

On the report of the Secretary at War, to whom was referred a petition of Lieutenant Stratton,

WAR OFFICE, April 18<sup>th</sup>, 1782.

SIR,

M<sup>r</sup> Stratton, in his petition to Congress, referred to me, requests his rank in the army that he may receive his back pay and rations, and that his loss of clothing, when captured, might be made good to him.

I suppose his rank in the army is secured to him by the State of Massachusetts, as appears from his certificate signed by their Secretary—when there is a vacancy he has a right to apply for his commission. I do not know of any promise made by Congress that they will refund the loss of clothing taken in action, or that any precedents of compensation for such losses in cases similar to M<sup>r</sup> Stratton's do exist.

I conceive that the petitioner is entitled to his pay. His ration account can only be settled by the Commissary of Prisoners from whom he received money while in captivity. I therefore beg leave to submit the following draught of a resolve to the consideration of Congress.

*Resolved*, That it be recommended to the State of Massachusetts, to settle the pay and depreciation of pay due to Lieutenant Aaron Stratton, from the first of September, 1776, to the 21 of January, 1781, [upon his producing certificates from the paymaster general of the army, and commissary general of prisoners, of the sums they have respectively paid to him on the above account,] and to pay the same, charging the money so paid to the account of the United States.<sup>2</sup>

On a report of a committee, consisting of Mr. [William] Ellery, Mr. [John Morin] Scott, and Mr. [Joseph] Montgomery, to whom was referred a letter of April 6, from the Superin-

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 271.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 267. The part in brackets is in Abraham Clark's writing.



tendant of finance, as agent of marine, respecting a claim of Mr. Jacobus Wynkoop,

*Resolved*, That it be recommended to the State of New York, to make up the depreciation on the pay which Jacobus Wynkoop hath received, and that upon his producing vouchers to ascertain the period when his actual services ceased, his accounts be finally settled at the treasury office of the United States, and whatever balance may be then found due to him, be put upon interest in the same manner as the balances of other public creditors.<sup>1</sup>

The report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Samuel John] Atlee, and Mr. [Ezekiel] Cornell, to whom was referred a letter of the 21 of February, from the governor of Connecticut, and a representation from the inhabitants of the western country, was called for; and that part of the report, so far as it relates to the letter of the governor of Connecticut, being read, namely,

“That the ten companies mentioned in Governor Trumbull’s letter of the 21 of February, 1782, to be raised for the defence of the State of Connecticut, be paid and subsisted while in actual service at the general expence, on the same terms as the troops on the continental establishment: provided the said State shall first fill up their quota of troops for the continental army; and that the officers be in proportion to the number of men in the field.”

A motion was made by the delegates of Connecticut, to strike out the words after provided, and in lieu thereof to insert, “that no more officers be paid than those on the continental establishment, belonging to the line of said State in the continental army, unless the non-commissioned officers and privates in said line, and the levies both together, exceed the quota on the continental establishment; in that case the

<sup>1</sup> This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 137, I, folio 399. The letter of April 6 of the Superintendent of Finance on which it was based is on folio 397.

officers to be paid in proportion to the number of such over-plus, non-commissioned officers and privates, and that the said ten companies be under the orders of the Commander in Chief of the army of the United States."

And on the question to agree to this amendment, the yeas and nays being required by Mr. [Richard] Law,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no	*	Mr. Montgomery,	no	}no
<i>Massachusetts,</i>			Smith,	no	
Mr. Partridge,	ay	}ay	Clymer,	no	
Osgood,	ay		Atlee,	no	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	ay	}ay	Mr. Dickinson,	no	}no
Cornell,	ay		Wharton,	no	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Law,	ay	}ay	Mr. Carroll,	ay	*
Wolcott,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	no	}no
Mr. Scott,	no	}div.	Madison,	no	
Floyd,	ay		Bland,	no	
<i>New Jersey,</i>			Lee,	ay	
Mr. Clark,	no	}no	<i>South Carolina,</i>		
Elmer,	no		Mr. Middleton,	no	}no
Boudinot,	no		Bee,	no	
Condict,	no		<i>Georgia,</i>		
			Mr. Telfair,	no	}no
			N. W. Jones,	no	

So ~~the amendment was lost~~ [it] passed in the negative.

A motion was then made by Mr. [Oliver] Wolcott, seconded by Mr. [Ezekiel] Cornell, to strike out the word "provided," and what follows to the end; and the question being put, "shall the words moved to be struck out stand?" Passed in the negative.

A motion was then made by the delegates of Connecticut, ~~to add to the report~~ to amend the report by adding the words following: provided that no more officers be paid than those on the continental establishment, belonging to the line

of the said State in the continental army, unless the non-commissioned officers and privates in the said line, and the levies both together, exceed the quota on the continental establishment; in that case the officers to be paid in proportion to the number of such overplus, non-commissioned officers and privates; and that the said ten companies be under the orders of the Commander in Chief, to operate any where within the United States.<sup>1</sup>

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Ezekiel] Cornell, to strike out the words, "to operate any where within the United States," and in lieu thereof to insert, "provided always, that no pay or subsistence be allowed to said troops on account of the United States, unless the State of Connecticut shall by law put the said troops under the command of the Commander in Chief of the army of the United States, to operate wherever he shall direct; and that they be paid and subsisted by the United States, for such time only as they shall be employed in the service of the United States by the express orders of the Commander in Chief."<sup>2</sup>

On the question to agree to this amendment to the amendment, the yeas and nays being required by Mr. [Oliver] Wolcott,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Livermore,	no	*	Mr. Law,	ay	} ay
<i>Massachusetts,</i>			Wolcott,	ay	
Mr. Partridge,	ay	} ay	<i>New York,</i>		
Osgood,	ay		Mr. Scott,	no	} div.
<i>Rhode Island,</i>			Floyd,	ay	
Mr. Ellery,	ay	} ay			
Cornell,	ay				

<sup>1</sup> This motion, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 20. I, folio 330.

<sup>2</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 20, I, folio 329.

<i>New Jersey,</i>			<i>Maryland,</i>		
Mr. Clark,	ay	} ay	Mr. Carroll,	ay	} *
Elmer,	ay		<i>Virginia,</i>		
Boudinot,	ay		Mr. Jones,	no	
Condict,	ay		Madison,	no	
<i>Pennsylvania,</i>			Bland,	no	} no
Mr. Montgomery,	ay	} div.	Lee,	ay	
Smith,	ay		<i>South Carolina,</i>		
Clymer,	no		Mr. Middleton,	no	} div.
Atlee,	no		Bee,	ay	
<i>Delaware,</i>			<i>Georgia,</i>		
Mr. Dickinson,	ay	} ay	Mr. Telfair,	ay	} ay
Wharton,	ay		Jones,	ay	

So the question was lost.

On the question to agree to the amendment, the yeas and nays being required by Mr. [Oliver] Wolcott,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no	} *	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Smith,	no	
Mr. Partridge,	ay	} ay	Clymer,	no	
Osgood,	ay		Atlee,	no	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	ay	} ay	Mr. Dickinson,	no	} no
Cornell,	ay		Wharton,	no	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Law,	ay	} ay	Mr. Carroll,	ay	} *
Wolcott,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	no	} no
Mr. Scott,	no	} div.	Madison,	no	
Floyd,	ay		Bland,	no	
<i>New Jersey,</i>			Lee,	no	
Mr. Clark,	no	} div.	<i>South Carolina,</i>		
Elmer,	no		Mr. Middleton,	no	} no
Boudinot,	ay		Bee,	no	
Condict,	ay		<i>Georgia,</i>		
			Mr. Telfair,	ay	} ay
			N. W. Jones,	ay	

So the question was lost.

On the question to agree to the report as amended, the yeas and nays being required by Mr. [Richard] Law,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Livermore,	no	}	Mr. Montgomery,	no	} no
<i>Massachusetts,</i>			Smith,	no	
Mr. Partridge,	ay	} div.	Clymer,	no	
Osgood,	no		Atlee,	no	
<i>Rhode Island,</i>			<i>Delaware,</i>		
Mr. Ellery,	no	} no	Mr. Dickinson,	no	} no
Cornell,	no		Wharton,	no	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Law,	ay	} ay	Mr. Carroll,	no	} *
Wolcott,	ay		<i>Virginia,</i>		
<i>New York,</i>			Mr. Jones,	no	} no
Mr. Scott,	no	} no	Madison,	no	
Floyd,	no		Bland,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	no	} no	Mr. Middleton,	no	} no
Elmer,	no		Bee,	no	
Boudinot,	no		<i>Georgia,</i>		
Condict,	no		Mr. Telfair,	no	} no
			N. W. Jones,	no	

So it passed in the negative.

The Committee of the Week [Mr. Theodorick Bland, Mr. Samuel John Atlee, Mr. Jonathan Elmer] report a petition from Michael Graham stating his loss in the sale of his plantation for continental money and praying relief.

Recommend that the petitioner have leave to withdraw his petition and be informed that it is not in the line of Congress ~~have it not in their power~~ to redress the grievance complained of.<sup>1</sup>

<sup>1</sup> This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 337. The indorsement states that it was agreed to on this day.

On this day, as the indorsement shows, a letter of April 11 from the Secretary at War was referred to Mr. [Samuel John] Atlee, Mr. [Theodorick] Bland, Mr. [George] Partridge, Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark. It is in No. 149, I, folio 233.

SATURDAY, APRIL 20, 1782

On report of a committee, consisting of Mr. N[oble] W[imberly] Jones, Mr. [Abraham] Clark and Mr. [George] Partridge, to whom was referred a memorial of John Edgar:

The Committee to whom was referred the Petition of John Edgar Report,

That they have examined into the case of the petitioner and are of opinion that his peculiar sufferings by the enemy both in his person and property on account of his attachment to, and exertions in behalf of these United States requires the particular attention of Congress in his favour, and thereupon submit the following resolution,

*Resolved*, That the Superintendent of finance be, and hereby is, directed to afford to the said John Edgar such assistance as he may think reasonable for his support, until he be employed in such business as to render such assistance unnecessary, provided it shall not exceed one year.<sup>1</sup>

A committee, consisting of Mr. [Theodorick] Bland, Mr. [Oliver] Wolcott, and Mr. [Samuel John] Atlee, to whom was referred a letter of the 11 March, 1782, from Major General Greene, having delivered in a report, and the report being read:

The Committee to whom was referred the letter from Major Genl. Greene, dated March 11<sup>th</sup> 1782 beg leave to Report,

That on the subject matter of the said letter as far as it relates to the state of the Army under his command in the Southern States—they have according to order conferred with the Superintendent of Finance and the Secretary at War. That they received official information from the Superintendent of Finance that he had purchased cloathing sufficient to cloathe the whole Army (non Commissioned and Privates) according to the returns, and that he had furnished money from his Department to make up the cloathes so purchased. That with regard to pay he found the finances not yet in a condition to pay the soldiery—but that in order to enable the officers to furnish themselves with Cloathing he had put into the Paymaster General's hands two months' pay for all officers bearing

<sup>1</sup> This report, in the writing of Noble Wimberly Jones, is in the *Papers of the Continental Congress*, No. 19, 11, folio 211.



the rank of Captain and upwards and three months pay for all subalterns in notes issued by him payable on demand. That he proposed immediately to put into the hands of Col. Carrington D. Q. M: G! similar notes to a sufficient amount to enable him to expedite the supplies now on their way and those which are to be immediately sent forward to the Southern Army.

On the part of the Secretary at War your Committee were informed, That the Cloathing &c. contained in the return N<sup>o</sup> 1 which your Committee beg leave to make part of their report were sent off from the Cloathier General's magazine about the 1<sup>st</sup> of January last and that there is great reason to believe that arrived at the Head Quarters of General Greene's Army, as also the Cloathing mentioned in the return N<sup>o</sup> 2 which your Committee also report, a few days subsequent to the date of General Greene's letter as the latter left Richmond in Virginia the 18<sup>th</sup> of January and were on their way at Peytonsburgh the 8<sup>th</sup> of February last. Your Committee have also received a return of Cloathing now in the magazine in Philadelphia made up packed and packing, which has been as they are informed appropriated to the use of the Southern Army contained in the paper N<sup>o</sup> 3, which your Committee are of opinion should be sent forward without delay. With respect to the deficiency of arms mentioned in General Greene's letter your Committee are of opinion from the information obtained that altho' there is a plentiful supply of them in the magazine in Virginia, and orders have been given for forwarding them, this desirable measure has been delayed by the want of money and the necessary absence on that account of the Dep<sup>y</sup>. Q: M: General, and therefore submit the following Resolution:

*Resolved*, That the Superintendant of Finance do immediately furnish the Deputy Q: M: General of the Southern Department, with the sum of money or means which shall appear to him necessary, (on proper estimates delivered in by the said D. Q. M: Gen!) for expediting the supply of Cloathing and arms to the Head Quarters of the Army under the command of Major General Greene, and that the Secretary at War do give the necessary orders for completing and forwarding the said supplies.<sup>1</sup>

*Ordered*, That it be referred to the Superintendant of finance and Secretary at War, to take order.

<sup>1</sup> This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, II, folio 485. The returns, 1, 2, and 3 are on folios 487-<sup>1</sup>, 487-<sup>2</sup>, 487-<sup>3</sup>. Greene's letter is in No. 155, II, folio 433.

A letter, of the 19th, from Jonas Fay, Moses Robinson, and Isaac Tichenor, was read; Whereupon, a motion was made by Mr. J[oseph] Jones, seconded by Mr. [James] Madison, in the words following:

“Jonas Fay, Moses Robinson, and Isaac Tichenor, styling themselves agents and delegates from the State of Vermont, having, in their letter of the 19th instant, informed Congress, ‘that in consequence of the faith of Congress, pledged to them in and by a resolution of the 20 of August last, and by official advice from sundry gentlemen of the first characters in America, the legislature of Vermont have been prevailed upon to comply, in the [most ample manner, with the resolution aforesaid.’

‘Resolved, That the secretary be directed to apply to the said Jonas Fay, Moses Robinson and Isaac Tichenor, and request them to communicate to him the said official advice, together with the names of the gentlemen from whom the same was received.”<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. J[oseph] Jones,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Livermore,	no	}	Mr. Clark,	no	}
<i>Massachusetts,</i>			Boudinot,	no	
Mr. Partridge,	no	}	Condict,	no	
Osgood,	no		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. Montgomery,	no	}
Mr. Ellery,	no	}	Clymer,	no	
Cornell,	no		<i>Delaware,</i>		
<i>Connecticut,</i>			Mr. Dickinson,	no	}
Mr. Law,	no	}	<i>Maryland,</i>		
Wolcott,	no		Mr. Carroll,	no	}
<i>New York,</i>					
Mr. Scott,	ay	}			
Floyd,	ay				

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 289. The vote was indorsed on it. The letter of Fay, Robinson and Tichenor is in No. 40, II, folio 285.

<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. Jones,	ay	} ay	Mr. Middleton,	ay	} ay
Madison,	ay		Bee,	ay	
Bland,	no		<i>Georgia,</i>		
Lee,	ay		Mr. Telfair,	ay	} div.
		N. W. Jones.	no		

So ~~it passed in the negative~~ the question was lost.]<sup>1</sup>

The Committee of the Week [Mr. Theodorick Bland, Mr. Samuel John Atlee, Mr. Jonathan Elmer,] report, A petition from Joseph McMullen with certificates from Col<sup>o</sup> Carrington and others praying assistance for sundry services &c. with the Southern Army,

And recommend the same to be referred to the ~~Superintendent of Finance~~ Secretary at War.<sup>2</sup>

#### MONDAY, APRIL 22, 1782

Pursuant to the resolution of 27th of February last, the Superintendent of finance reports, that he means to appoint Mr. Jonathan Burrell, of the State of Connecticut, a commissioner to settle the accounts in the commissary's department, unless Congress disapprove the choice.<sup>3</sup>

On a report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Joseph] Montgomery and Mr. [Philemon] Dickinson, to whom was referred a report of the Secretary at War:

WAR OFFICE *April 11, 1782.*

SIR,

The officers have lately been indulged with drawing on their own private credit from the contractors such parts of their rations as they chose, for which they have been charged according to the price fixed for the component parts of a ration, and have been monthly paid for their whole ration, and have as often settled with the contractors.

<sup>1</sup> The portion in brackets is in the writing of George Bond in the Journal.

<sup>2</sup> This report, in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 32, folio 335. The indorsement states that it was passed on this day.

<sup>3</sup> The Superintendent's letter is in the *Papers of the Continental Congress*, No. 137, I, folio 401.

This has created an expence to the contractors by small issues to which they are not bound by their contracts. It likewise subjected them to a loss, as the officers had it hereby in their power to draw as was most convenient for them, and reject the other parts of the ration.

It becomes necessary therefore to ascertain the number of rations which each officer shall be entitled to draw (as in warm weather especially the contractors must know as near as may be what will be the daily issues)—but, if not drawn, they are not hereafter to be accounted for, and that each officer be allowed in addition thereto a monthly subsistence, making no mention of the number of rations.

Under these ideas, I beg leave to submit to the consideration of Congress the following resolves.

*Resolved*, That from and after the first day of May next, all resolves of Congress heretofore passed relative to rations, subsistence or allowances to officers over and above their pay and what they are entitled to from the quartermaster's department, except the allowance to the general commanding the southern army, be, and they are hereby repealed: that from and after the first day of May next, each officer shall be entitled to draw daily the number of rations, and to receive monthly as subsistence the number of dollars and parts of dollars, affixed to their several ranks, viz.

	Rations per day.	Dols. per month.		Rations per day.	Dols. per month.
A major general,	5	31 60-90	[Deputy cloathier with the		
A brigadier general,	4	25 30-90	army,	1	3 15-90
A colonel,	2	12 60-90	Deputy postmaster of the		
A lieutenant colonel commanding,	2	12 60-90	army,	1	
A lieutenant colonel,	1½	11	Commissary of forage,	1½	11
Major,	1½	8	Field commissary,	1	6 30-90
Chaplain,	1½	8	Ditto, southern army,	1	6 30-90
Captain,	1	6 30-90	Director general of the hos-		
Subaltern,	1	3 15-90	pital,	2	
Surgeon,	1½	4 60-90	Chief physician and sur-		
Surgeon's mate,	1	3 15-90	geon,	2	
Quartermaster general,	4	25 30-90	Hospital surgeon,	1	
Deputy quartermaster with			Mate,	1	
the southern army,	2	12 60-90	Steward,	1	
Deputy paymaster with			Ward-Master,	1	
ditto,	1½	11			

All officers in the line of the army employed in any of the staff departments, shall be entitled, while acting therein, to draw the same number of rations and like subsistence to which they are entitled by their ranks in the army; and when any persons, not in the line of the army, are employed in any of the staff departments, they shall be entitled to draw the same number of rations and subsistence as officers of the line, acting in similar stations in the staff with them, are entitled to draw.

No compensation shall hereafter be made to those officers who may neglect to draw rations to which they are entitled.]<sup>1</sup>

Report of a Committee on Col. Carrington's memorial:

The Delegates of Pennsylvania, Maryland and Virginia to whom the memorial of Lieu<sup>t</sup> Colonel Carrington and the letter of Cap<sup>t</sup> Pierce of the Artillery &c were referred beg leave to report that it is their opinion that the two regiments of artillery—the one annexed to the Pennsylvania Line and the other to Virginia—cannot at present be incorporated without obvious injustice being done to some very deserving officers in both regiments.

As to the memorial of Lieu<sup>t</sup> Colonel Carrington claiming the command of the artillery of Pennsylvania, your Committee do not think themselves competent to decide upon his claim; but beg leave to observe, that if Congress should be of opinion that his claim, founded upon the general practice of the artillery corps in the army, antecedent to the ratification of the Articles of Confederation, is well founded, Then they will please to resolve,

That Lieutenant Colonel Carrington be appointed to the command of the fourth or Pennsylvania regiment of Artillery.

The determination of Congress on the above resolution will answer Cap<sup>t</sup>. Pierce's petition.<sup>2</sup>

<sup>1</sup> The portion in brackets is in the writing of George Bond in the Journal.

The report of the Secretary of War is in the *Papers of the Continental Congress*, No. 149, I, folios 227 and 229.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 19, I, folio 543. The indorsement indicates that it was referred to Mr. [Joseph] Montgomery, Mr. [Theodorick] Bland and Mr. [Philemon] Dickinson to confer with the executive of Pennsylvania. See April 26 *post*.

[Motion of Mr Arthur Middleton:]

*Resolved*, That the Paymaster General discharge the arrearage due to Col. Wm. Massey of the compensation granted by Congress by resolve of 12<sup>th</sup> Jany. 1780 upon the discontinuance of his office of Deputy Commissary of Musters in the Southern Department.<sup>1</sup>

The Committee [Mr. James Madison, Mr. John Morin Scott, Mr. Daniel Carroll] to whom was referred the letter from Mr Jay of the 3<sup>rd</sup> of October 1781 recommend the following answer thereto, to be subscribed by the ~~President~~ Secy. of Foreign Affairs:

SIR,

Your letter of the 3<sup>rd</sup> of October last was received by Congress on the — of — and I am authorised to acquaint you, that your conduct as therein detailed has met with their entire approbation.

The limitation which you have affixed to the proposed surrender of the navigation of the Mississippi in particular corresponds with the views of Congress. They observe with much surprize and concern that a proposition so liberal in itself which removed the only avowed obstacle to a connection between his Catholic Majesty and the United States and from which the latter had formed the most sanguine expectation, should have produced so little effect on the Councils of his Catholic Majesty. The perseverance of his Ministers, notwithstanding this relaxation on the part of Congress, in perplexing your negotiation by multiplied and dilatory pretexts, no less inconsistent with their own professions than disrespectful to the United States, but too well justifies your surmise as to their latent purposes. The surrender of the navigation of the Mississippi was meant as the price of the advantages promised by an early and intimate alliance with the Spanish Monarchy. If this alliance is to be procrastinated till the conclusion of the war, during a continuance of which only it can be necessary, the reason of the sacrifice will no longer exist. Nay, every day which the expected treaty is delayed by the Spanish Court, detracts from the obligation and inducement of Congress to adhere to their overture, and will consequently justify you in representing in strong terms the obligation it imposes on Spain to make the Treaty the more liberal on her part. This may easily be done, either by enlarging her pecuniary aids, by facilitating to the Citizens of the United States the use of the Mississippi, or by indulgencies in the commerce of her American Colonies, particularly by following the example of his Most Christian Majesty in establishing a free port or

<sup>1</sup> This motion, in the writing of Arthur Middleton, is in the *Papers of the Continental Congress*, No. 149, II, folio 141. It was referred to the Secretary at War.



ports in some of them. In the mean time, however, you will employ your utmost address in ascertaining the real views of the Spanish Cabinet with regard to a Treaty with the United States and communicate the result from time to time to Congress.<sup>1</sup>

TUESDAY, APRIL 23, 1782

On a report from the Secretary at War:

WAR OFFICE, April 18<sup>th</sup>, 1782.

SIR,

On the letter from Colonel Pickering referred to me, I beg leave to observe, that if M<sup>r</sup>. Appleton be directed to charge the United States with the sums he supplied the Quarter Master General's Department at the request of the State of Massachusetts, and the Quarter Master General be debited by them for the same sums M<sup>r</sup>. Appleton's books may be regularly settled and the money will be properly accounted for.

Should Congress be of those sentiments they will please to resolve,

*Resolved*, That Mr. Appleton, the commissioner of the continental loan office in the State of Massachusetts, be, and hereby is directed to charge the United States with the sum of sixteen thousand six hundred and sixty-six dollars and sixty ninetieths of a dollar, new emission, advanced for the use of the quartermaster general's department; and that Colonel Pickering, quartermaster general, give a receipt for and be debited with the same sum.<sup>2</sup>

On a report of a committee, consisting of Mr. [Daniel] Carroll, Mr. [Elias] Boudinot and Mr. [Abraham] Clark, to

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, III, folio 263. The indorsement states that on April 22 it was referred to the Secretary for Foreign Affairs to report.

On this day, according to the indorsement, a letter of April 20, of the Superintendent of Finance on the subject of appointing a person to superintend contracts for the army was referred to Mr. [Abraham] Clark, Mr. [Theodorick] Bland, Mr. [Samuel] Osgood to confer with the Superintendent of Finance. It is in No. 137, I, folio 405.

Also, according to the indorsement, was read a letter dated Amsterdam, December 2, 1781, from Thomas Barclay. It is in No. 145, folio 83.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 259.

whom was referred a letter of the 12 March, from Thomas Edison:

The Committee to whom was referred the letter of Thomas Edison beg leave to report,

That the situation of Mr Edison is peculiar and with regard to himself very critical, and requires the interposition of Congress in his behalf. That in the opinion of the Committee, he can be employed with propriety in the Comptroller's Office, which would relieve him from his present embarrassment by providing him with a decent support.

Whereupon the following resolution is submitted: That the Comptroller be informed that it would be agreeable to Congress ~~have no objection to his employing~~ that he employ Tho<sup>s</sup> Edison as a Clerk in his Office as they think him entitled to an employment in such a way to which he appears properly qualified.<sup>1</sup>

*Resolved*, That the Superintendent of finance be, and hereby is, directed to afford the said Thomas Edison, such assistance as he may think ~~necessary~~ reasonable for his support, until he be employed in such business as to render such assistance unnecessary, provided it shall not exceed one year.

On a report from the Secretary at War, of the 23 March, 1782,

WAR OFFICE March 23<sup>rd</sup>, 1782.

SIR,

There are frequent applications for the discharge of soldiers whose wounds and sickness incapacitate them for all farther duty even in garrison. They prefer a dismissal from the service, which shall entitle them to a pension equal to half of their pay, to being classed with the invalids where full pay and every emolument of a soldier would be continued to them.

Was public economy the only consideration in this matter, there would not I think remain a doubt respecting the propriety of adopting this mode of discharge generally. But as it becomes necessary equally to guard against future inconveniences as to accommodate the wishes of individuals I beg leave to submit the following resolve, which as it only respects those whose private circumstances will

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, II, folio 205. Edison's letter is in No. 78, VIII, folio 381.

enable them when discharged to live independent of any other gratuity than their pension, I think will obviate the possibility of an imputation against the public that they have dismissed such of their servants as could be no longer useful without provision being made to prevent them suffering individually or becoming burthensome to the societies where they might live.

~~Congress came to the following resolutions:~~

*Resolved*, That all such sick and wounded soldiers of the armies of the United States, who shall in future be reported by the inspector general, or the inspector of a separte department, and approved by the Commander in Chief, or commanding officer of a separte department, as unfit for farther duty, either in the field or in garrison, and who apply for a discharge in preference to being placed or continued in the corps of invalids, ~~and who can give authentic proof that they either have the means to support themselves, or that their friends will provide for them and prevent them becoming burthensome to the society where they really belong or reside. In that case all such persons~~ shall be discharged, and be entitled to receive as a pension ~~the value of half their pay,~~ five dollars per month, in lieu of all pay and emoluments.

*Resolved*, That it be, and hereby is, recommended to the several states to discharge such pensions annually, and draw on the Superintendant of finance for the payment of the money they shall so advance.

And that the foregoing resolution take effect so soon as the Superintendant of the Finances shall signify to the several states, that he has made provision for answering such draughts.<sup>1</sup>

On a report from the Secretary at War, to whom was referred a report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [John Morin] Scott, and Mr. [Philemon] Dickinson, on a motion of Mr. [John Morin] Scott, a letter from the Superintendant of finance, and a report of the Secretary at

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folios 161-163.

War on the said letter, Congress came to the following resolution:

WAR OFFICE April 23, 1782.

SIR,

I was present when the enclosed report was agreed on. I was then and am now fully in opinion that the measures therein recommended are absolutely necessary and highly fit and proper.<sup>1</sup>

Your Committee to whom was referred the Motion of Mr [John Morin] Scott, a letter from the Superintendent of Finance the Report of a Committee on the said letter and on the Report of the Secretary at War and the said Report—Do report, That experience has in their opinion shewn that the exertions of the several states to fill up their respective Lines of the Army, have in some measure fallen short of the expectation of Congress. That this expectation, however, was, in the opinion of the Committee the inducement with Congress for passing the Resolution of the 21<sup>st</sup> October 1780—whereby provision is made for four supernumerary Lieutenants in each regiment: to wit, one for a recruiting Officer; one for Adjutant—one for Quarter Master and the fourth for Paymaster—

That the Committee now conceive that those supernumerary appointments except that of Paymaster are become unnecessary in the Line, and therefore that the other three supernumeraries in each corps, ought from principles of economy to be reduced, unless without additional expence to these U. States they can be employed in the different staff departments. That as it is the view of Congress to economise the staff departments as much as possible and as an additional expence must necessarily accrue, from filling inferior places in those departments with persons not of the Line of the Army instead of supplying them by Officers from the Line; The Committee begs leave to recommend the following Resolution to wit:

Whereas the most strict economy in the public expenditures is absolutely necessary for a vigorous prosecution of the war; and whereas to that end it is requisite to discontinue the practice of filling some of the places in the staff departments with persons not of the line of the army, which places may, with great savings to the public, be filled by supernumerary officers from the line.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 279.

*Resolved, therefore,* That in future there be only ten lieutenants to each regiment of infantry, to be employed in the regimental line and staff, the regimental paymaster to be considered as not attached to any company:

That the supernumerary junior lieutenants, beyond the number of ten in each regiment of infantry, be reduced; unless the officers of the regiment shall otherwise agree, as to those that shall retire according to the resolutions of the 3d and 21st of October, 1780, and shall accordingly retire on or before the first day of June next, if in the main army, and the first day of July next, if in the southern army, except such of them as shall accept of employments in the staff departments, with the approbation of the heads of the respective departments, in which case they shall severally retain their respective ranks in the army, and be entitled to the full pay and subsistence belonging to their rank in the line, as a compensation for their respective services in the staff, without any other allowance whatsoever: provided always, that nothing contained in the above resolution, shall affect the pay or rank of any officers in captivity during such captivity.<sup>1</sup>

[WEDNESDAY, APRIL 24, 1782]

Passed The Committee of the Week, [Mr. Arthur Middleton, Mr. Oliver Wolcott, Mr. Silas Condict] report, That the petition of William Paulding, Deputy of the late Commissary Joseph Trumbull, requesting the payment of his account be referred to the Superintendent of Finance.

Passed That the petition of Jordan Hopson, Conductor of Military Stores, requesting a discharge be referred to the Secretary at War.<sup>2</sup>

<sup>1</sup> This report, in the writing of John Morin Scott, except the last clause, which is in the writing of Daniel Carroll, is in the *Papers of the Continental Congress*, No. 27, folio 161.

<sup>2</sup> This report, in the writing of Oliver Wolcott, is in the *Papers of the Continental Congress*, No. 32, folio 333. The indorsement states that it was passed this day.

WAR OFFICE April 23<sup>rd</sup>, 1782.

SIR,

On the report of a resolve referred to me relative to the balance due to Colonel Massey for the Compensation granted by Congress on his retiring from service.

I beg leave to observe that Col. Massey's is one of those cases which at once excites concern and commands our attention—driven from his home and a degree of affluence to a situation, which presses him against his own feelings to urge the payment of a debt due to him from the public, and to which he has every claim that integrity and faithful services can give.

He is also unfortunately for himself one of those Creditors to the public, the immediate payment of whose debts does not fall within the present system of Congress.

I wish his case was so peculiar as to justify me in reporting in favor of an order for discharging his debt immediately; but I cannot view it in that light nor could I reconcile the propriety of such a report with the thousand applications which have been rejected.<sup>1</sup>

## FRIDAY, APRIL 26, 1782

A letter, of 24, from the Superintendant of finance, was read, respecting the accounts and claims of Captain Landais; Whereupon, the report of a committee, consisting of Mr. N[oble] W[imberly] Jones, Mr. [Abraham] Clark, and Mr. [George] Partridge, to whom was referred a memorial of Captain P. Landais, was called for, which being read,

The Com<sup>tee</sup> to whom was referred the memorial of Capt. Landais late commander of the *Alliance* Frigate beg leave to report,

That they have examined the settlement of Cap<sup>t</sup> Landais's acc<sup>t</sup> in the Comptrollers office for his pay subsistence and extra expences and cannot find but that the same is done in a just and equitable manner, whereby a balance appears in his favour of 2178 16/90 dollars,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, II, folio 137. It was read on this day, the indorsement states.

Also, a letter, of March 13, from the Governor of South Carolina, enclosing two Acts of that State. The indorsements show that one, for vesting Congress with a power of levying a duty of five per cent. on certain imports and prizes, was referred to the Superintendent of Finance; the other, for raising recruits, to the Secretary at War. The letter is in No. 72, folio 546, and the acts on folios 550 and 554.



which the Committee are of opinion ought to be paid to him without delay, and therefore propose that it be,

*Resolved*, That the Superintendant of Finance be directed to take measures for paying Cap<sup>t</sup>. Landais the above ballance of 2178, 16/90 Dollars.

The Committee further report that Congress by their act of the 6<sup>th</sup> of March, 1779, allowed twelve thousand livres to Cap<sup>t</sup>. Landais as a gratuity for bringing military stores from France, which it appears hath been charged to him as paid in bills on Dr. Franklin Minister Plenipotentiary of the United States at the Court of France. But as it is doubtful whether Cap<sup>t</sup>. Landais ever received the same, the Committee therefore report as follows,

That the Superintendant of Finance be directed to write to Dr. Franklin requesting him to pay Cap<sup>t</sup>. Landais the said twelve thousand livres with interest for the same from the 6<sup>th</sup> day of ~~Sept.~~ July 1779, provided he hath not already payed the same.

With respect to Cap<sup>t</sup>. Landais's claim for his share of prizes carried into France and Holland, and put under the direction of M<sup>r</sup>. Le Ray De Chaumont, as no settlement hath been made therein, or any money rec<sup>d</sup>. by the United States on that account from M<sup>r</sup>. Chaumont, the Committee are of opinion no advances ought to be made to Cap<sup>t</sup>. Landais by the United States. But as Congress are now taking measures for procuring a settlement for those prizes and the payment thereof to all the officers and Seamen interested therein, Cap<sup>t</sup>. Landais will receive his share of those prizes in common with others concerned whenever the same shall be settled and paid.<sup>1</sup>

*Resolved*, That the report of the committee on Captain Landais's memorial be rejected, that the said memorial be dismissed, and that Congress approve of the steps taken in his case by the Superintendant of finance.<sup>2</sup>

On the report of a committee, consisting of Mr. [Joseph] Montgomery, Mr. [William] Floyd, and Mr. [Samuel] Osgood, to whom was referred a report of the Secretary at War, on a letter from Colonel Baldwin:

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 41, V, folio 375, and Landais' memorial is in 41, V, folio 275.

<sup>2</sup> This resolution, in the writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 41, V, folio 373. The Superintendent of Finance's letter is in No. 137, I, folio 419.

*Resolved*, That Jeduthun Baldwin, colonel of engineers in the army of the United States, be considered as a supernumerary officer retiring from the service; and that he be entitled according to his present pay to equal emoluments, which shall be received by the officers of the line, who retired under the resolutions of Congress of the 3d and 21 of October, 1780.<sup>1</sup>

On a report of a committee consisting of Mr. [Joseph] Montgomery, Mr. [Theodorick] Bland, and Mr. [Philemon] Dickinson, to whom was referred a report of the delegates of Pennsylvania, Maryland, and Virginia, on a memorial of Colonel Carrington:

The Committee to whom was referred the Report of the Delegates of Pennsylvania, Maryland and Virginia on Col Carrington's memorial, beg leave to inform Congress, that they have had a conference with the Supreme Executive Council of Pennsylvania and find that said council are determined not to appoint a Lieu<sup>t</sup> Col: Com<sup>t</sup> to their regiment of artillery untill they can recruit it so as to have the number equal to a Lieu<sup>t</sup> Col's command.

Your Committee also find that said Council will not submit to any appointment Congress may make to fill up any vacancy in said reg<sup>t</sup> as being contrary as they apprehend to the 7<sup>th</sup> Article of the Confederation.

Your Committee beg leave therefore to submit the following resolution, viz,

*Resolved*, That Col Carrington cannot, at present be appointed to the command of the 4<sup>th</sup> reg<sup>t</sup> of Artillery<sup>2</sup>

*Resolved*, That Lieutenant Colonel Carrington be informed, that the 7<sup>th</sup> Article of the Confederation having reserved to the states, the right of appointing all officers of and under the rank of colonels for the forces respectively raised by them, and of filling up all vacancies of such officers, Congress

<sup>1</sup> This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, I, folio 189. The Secretary at War's report, which it follows, is in No. 149, I, folio 275, and Colonel Baldwin's letter is in No. 19, I, folio 197.

<sup>2</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 19, I, folio 541.

cannot appoint him to the vacancy in the command of the 4 regiment of artillery raised by the State of Pennsylvania.<sup>1</sup>

On a report of a committee, consisting of Mr. [Samuel John] Atlee, Mr. [Theodorick] Bland, Mr. [George] Partridge, Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, to whom was referred a letter, of 11, from the Secretary at War,

The Committee to whom was committed the letter from the Secretary at War of 15<sup>th</sup> April 1782—

Report—That according to order they have conferred with the Secretary at War upon the substance of the said letter and find that there is an absolute necessity for the safe keeping the ammunition; that sundry Magazines be immediately built at the following places, viz: at Springfield in Massachusetts—at West Point in New York at the Yellow Springs in Penn<sup>a</sup> and at New London in the State of Virginia—and beg leave to recommend the following Resolution—

*Resolved*, That the Secretary at War take order for establishing good and sufficient magazines for the reception of the public ammunition at the following places, to wit: at Springfield, in the State of Massachusetts; at West Point, in the State of New York; at the ~~Chester County~~ Yellow Springs, in the State of Pennsylvania; and at New London, in the State of Virginia.

~~And that the Secretary at War report to Congress if either magazine shall be necessary.~~<sup>2</sup>

MARINE OFFICE, April 24<sup>th</sup>, 1782.

SIR As Congress have thought proper to refer my letter of the 15<sup>th</sup> inst. back, in order that as Agent of Marine I may report thereon, I shall submit my opinion respecting the *Bourbon* Frigate.

It appears from Capt. Nicholson's letters that this ship is far advanced in the building, and that the Timber is perfectly Sound, we know that a good deal of Money and Labour has already been expended on her, which must be lost unless the work is prosecuted, as the Hull in its present situation would sell for but little. There is

<sup>1</sup> This resolution, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, I, folio 541½.

<sup>2</sup> This report in the writing of Samuel John Atlee, is in the *Papers of the Continental Congress*, No. 27, folio 165. The resolution was also entered in the manuscript Secret (Domestic) Journal.

also a degree of Dignity in carrying through such measures as Congress have once adopted, unless some change of circumstances renders the execution improper. The present circumstances of the United States I apprehend to be such as should induce our attention to the re-establishment of a Naval Force, and altho' former attempts have proved unfortunate, we must not take it for granted that future Essays will be unsuccessful. Altho' the Naval Force of our enemy is powerful and their Ships numerous, yet that Force is opposed by equal Numbers, so as to give them much more employment than at the time our infant Fleet was crushed.

These considerations incline me to the opinion that the *Bourbon* should be compleated. It was my wish to finish this Ship by contract, and therefore I directed Capt. Nicholson to advertize for proposals, he did so, and only two offers have been made, one by the former agent Capt. Cotton and the other by Capt. Nicholson himself.

I do not think it would be advisable to accept either of those offers, but that it will be preferable to carry on the work as it was begun, by paying wages to the persons employed.<sup>1</sup>

MONDAY, APRIL 29, 1782

Mr. [Turbett] Wright, a delegate for the State of Maryland, attended and took his seat.

A letter, of 20, from the Commander in Chief, was read, together with the copy of a memorial from the inhabitants of the county of Monmouth, in the State of New Jersey, and sundry affidavits respecting the death of Captain Joshua Huddy; who, after being a prisoner some days with the enemy in New York, was sent out with a party of refugees, and most cruelly and wantonly hanged on the heights of Middletown.

These papers being committed, and the committee, consisting of Mr. [Elias] Boudinot, Mr. [John Morin] Scott, and Mr. [Thomas] Bee, having reported thereon:

*Resolved*, That Congress having deliberately considered the said letter and the papers attending it, and being deeply

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 137, I, folio 415. According to the indorsement, it was, on this day, referred to the Agent of Marine to take order.

impressed with the necessity of convincing the enemies of these United States, by the most decided conduct, that the repetition of their unprecedented and inhuman cruelties, so contrary to the laws of nations and of war, will no longer be suffered with impunity, do unanimously approve of the firm and judicious conduct of the Commander in Chief in his application to the British general at New York, and do hereby assure him of their firmest support in his fixed purpose of exemplary retaliation.<sup>1</sup>

*Ordered*, That a motion of Mr. [Silas] Condict for discharging the Inspectors of the Press be referred to the Superintendant of Finance.<sup>2</sup>

TUESDAY, APRIL 30, 1782

~~A letter of this day from Mr [Samuel] Livermore was read, informing that he has this day sent his resignation to the president of the State of New Hampshire and no longer considers himself invested with the powers of a delegate.~~<sup>3</sup>

On a report of the Secretary at War, on a memorial of Captain Schreiber:

*Resolved*, That the pay and depreciation of a lieutenant of artillery be allowed to Captain Schreiber, from the 26th day of November, 1779, to the 2d of March, 1780; and that his accounts for pay as captain of engineers, from the 2d day

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, folio 391. Washington's letter of April 20, is in No. 152, X, folio 475. A copy of his letter to Sir Henry Clinton, enclosed in this letter, but dated April 21, is in No. 152, X, folio 513; another copy is in No. 19, VI, folio 409.

<sup>2</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance; *Morris Papers, Congressional Proceedings*.

On this day, according to the indorsement, a memorial of the merchants and traders of Philadelphia, in behalf of themselves and the commercial interests of all the states was read and referred to Mr. [Samuel] Osgood, Mr. [William] Ellery, Mr. [George] Clymer, Mr. [Turbett] Wright, Mr. [Arthur] Middleton. It is in the *Papers of the Continental Congress*, No. 41, VI, folio 283.

<sup>3</sup> The letter of Samuel Livermore is in the *Papers of the Continental Congress*, No. 78, XIV, folio 319.

of March, 1780, to the 1st day of May, 1782, be settled on like principles with the accounts of other foreign officers retiring from the service.<sup>1</sup>

On motion of Mr. [James] Madison, seconded by Mr. [Joseph] Montgomery,

*Ordered*, That the Superintendant of finance do prepare and lay before Congress, a state of the monies borrowed and not repaid by the United States, prior to the first day of January last; and that he also lay before Congress every half year, computing from the said first day of January, a state of all monies borrowed and bills emitted during such periods respectively, that the same may be transmitted to the respective states pursuant to the direction contained in the 9 article of the Confederation.<sup>2</sup>

On a motion of Mr. [James] Madison, seconded by Mr. [Joseph?] Jones,

*Resolved*, That the minister plenipotentiary of the United States at the Court of Madrid be informed, that Congress entirely approve of his conduct as detailed in his letter of the 3d of October last; that the limitation affixed by him to the proposed surrender of the navigation of the Mississippi in particular, corresponds with the views of Congress; that they observe, not without surprise and concern, that a proposition so liberal in itself, and which removed the only avowed obstacle to a connexion between the United States and his Catholick Majesty should not have produced greater effects on the counsels of the latter; that the surrender of the navigation of the Mississippi was meant as the price of the advantages promised by an early and intimate alliance with the Spanish monarchy; and that if this alliance is to be procrastinated till the conclusion of the war, the

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 287.

<sup>2</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 291.



reason of the sacrifice will no longer exist; that as every day which the proposed treaty is delayed, detracts from the obligation and inducement of the United States to adhere to their overture, it is the instruction of Congress, that he urge to the ministers of his Catholick Majesty the obligation it imposes on Spain to make the treaty the more liberal on her part, and that in particular he use his endeavours to obtain, in consideration of such delay, either an enlargement of her pecuniary aids to the United States, a facilitating of the use of the Mississippi to the citizens thereof, or some peculiar indulgences in the commerce of the Spanish colonies in America.<sup>1</sup>

WEDNESDAY, MAY 1, 1782

Mr. William Few, a delegate for the State of Georgia, attended, and produced credentials under the great seal of the State, by which it appears that the Hon. Edward Telfair, Noble Wimberly Jones, and William Few, are appointed delegates in the Congress of the United States of America, to continue in office until the first Tuesday in January, one thousand seven hundred and eighty-three.

STATE OF } The people of the said state by the Grace of God free and  
GEORGIA } Independent

To all to Whome these presents shall come Greeting

Jn<sup>r</sup> Martin                      Whereas our General Assembly, did at their last  
[With the Great      meeting held, at Augusta in the said state, nomi-  
Seal appendant]      nate & appoint the Honorable Edward Telfair,  
                                 Noble Wimberly Jones, & William Few esquires  
Delegates to represent the same, in the General Congress of the United  
States of America, to continue in office untill the first Tuesday in  
January, one thousand seven hundred & eighty three

Now therefore Know ye, That in pursuance of such nomination and  
appointment We do by these presents Commissionate the said Edward

<sup>1</sup> This resolution was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, Vol. III.

Telfair, Noble Wimberly Jones, & William Few esquires Delegates, to represent this our state, in the said General Assembly of the United States of America in Congress Assembled, and do hereby authorize them, and each of them to hold & exercise, all the powers and authorities to the office or place of Delegates belonging, by Virtue of the Constitution of this state, and the nomination & appointment aforesaid To have, and to hold, the said office or place of Delegate unto the said Edward Telfair, Noble Wimberly Jones & William Few esquires, for during and untill the first tuesday in January as aforesaid, In Testimony whereof I have hereunto set my hand, and caused the great seal of the said State to be affixed, this tenth day of February one thousand seven hundred & eighty two, and in the sixth year of the Independence of the United States of America.

By His Honors Command

ABRAHAM JONES *Secretary*.<sup>1</sup>

On the report of a committee, consisting of Mr. [James] Madison, Mr. [John Morin] Scott and Mr. [Arthur] Middleton, to whom was referred a communication of the Secretary for Foreign Affairs,

The Secretary for Foreign Affairs having laid before Congress the following minutes of a communication made to him the 28th of April, by the minister of France, from letters of the Count de Vergennes, dated 24th December and 22d January last, viz.

“After expressing his satisfaction in the success of our arms in Virginia, he laments the weakness of our army, and the incapacity in which it leaves us of pursuing so important a blow, before England can recover it. He says, though the plan of the ensuing campaign is not yet determined on, he has reason to believe that means will be used to aid us in the exertions we shall make to expel the enemy from this continent; and he wishes that this consideration, and the obstinate adherence of the British to their plan of subduing this country, evidenced by their answer to the mediators,

<sup>1</sup> The original is in the *Papers of the Continental Congress, Georgia, Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

may rouse the United States to an early and animated exertion. He observes, that the British are much embarrassed with respect to the measures they ought to pursue; that they still continue to represent us as a weak and divided people, in the hope that this may have some effect upon the powers of Europe, more particularly upon the mediators. He is of opinion that England will endeavour to make proposals to the several states separately; and though he does not apprehend that they will succeed in their attempt to detach them from the alliance, yet he presumes, while the issue is unknown, that they will avail themselves of it to induce a belief that they have a considerable interest in this country, and that the people at large wish to be connected with them. He hopes the wisdom of Congress will devise some means to frustrate this design. He expresses in strong terms the resolution of His Majesty to adhere to the principles of the alliance, and to form no treaty of peace which does not secure to the United States the object of it."

And this communication having been referred to a committee, and the committee reported thereon, it was

The Committee to whom were referred the communication &c. laid before Congress by the Sect<sup>y</sup>. of Foreign Affairs submit the following Resolutions:

*Resolved*, That the Secretary for Foreign Affairs be and he is hereby directed to make a confidential communication to the several states of the intelligence received by Congress on the 29 day of April last through his Department, in order that the states may be the more fully impressed with the necessity of such united and determined exertions as with the cooperation of our generous ally will expell the enemy from their remaining posts within the United States and display to the world the falsehood of the assertions of the

British Court that the people of these states are neither united nor determined in support of their national Independence.

~~Resolved, That the said Secy. be further directed to prepare and report to Congress a manifesto exhibiting to the world the origin and justice of our cause, and in particular the several facts and arguments which demonstrate the unanimity and unalterable firmness of the Citizens of the U. States therein.~~<sup>1</sup>

The order of the day for taking into consideration the report of the committee, consisting of Mr. [Elias] Boudinot, Mr. [James Mitchell] Varnum, Mr. [Daniel of St. Thomas] Jenifer, Mr. [Thomas] Smith and Mr. [Samuel] Livermore, on the cessions of New York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illionois and Wabash companies, being called for by the delegates of Virginia, and the report being read through, and the first paragraph again read from the chair, the motion of the 18 of April as then amended, was moved by Mr. [Theodorick] Bland, seconded by Mr. [Abraham] Clark, viz.

That the report under consideration be postponed; that previous to any determination in Congress relative to the cessions of the western lands, the name of each member present be called over by the secretary; that on such call, each member do declare upon his honour, whether he is or is not personally interested, directly or indirectly, in the claims of any company or companies, which have petitioned against the territorial rights of any one of the states by whom such cessions have been made, and that such declaration be entered on the journal:

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, II, folio 95.

The communication of the Secretary for Foreign Affairs was entered only in the manuscript Secret Journal, Foreign Affairs. The resolution was entered in both the Public and the Secret Journal. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), V., 382.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [William] Ellery, to strike out the words "that the report under consideration be postponed," and in lieu thereof to insert, "inasmuch as the report under consideration is of a nature, in which all the several states are essentially interested and consequently ought to have notice, and an opportunity to be present by their representatives in Congress at the determination thereof, there being but nine states represented at this time, that therefore the said report be postponed until the first day of August next; and that the executive authority of the several states be informed thereof, and furnished with copies of the said report, in order that each State may be fully represented, and their delegates properly instructed upon the subject at that time."<sup>1</sup>

On the question to agree to the amendment, the yeas and nays being required by Mr. [John Morin] Scott,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Partridge,	ay	} ay	Mr. Wharton,	ay	} *
Osgood,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} ay
Mr. Ellery,	ay	} ay	Wright,	ay	
Cornell,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. J. Jones,	no	} no
Mr. Law,	ay	} *	Madison,	no	
<i>New York,</i>			Bland,	no	
Mr. Scott,	no	} no	<i>South Carolina,</i>		
Floyd,	no		Mr. Middleton,	no	} no
<i>New Jersey,</i>			Bee,	no	
Mr. Clark,	ay	} ay	<i>Georgia,</i>		
Boudinot,	ay		Mr. Telfair,	no	} no
Condict,	ay		N. W. Jones,	no	
<i>Pennsylvania,</i>			Few,	no	
Mr. Montgomery,	ay	} ay			
Smith,	ay				
Clymer,	ay				
Atlee,	ay				

<sup>1</sup> From this point the entries in the Journal are by George Bond.

So the question was lost.

A division of the motion was then called for by ~~Mr. Smith~~ and on the question to agree to the first part, namely, "that the report under consideration be postponed;" the yeas and nays were required by Mr. [Theodorick] Bland.

The report being as follows:

"The committee, to whom the cessions of New York, Virginia, Connecticut, and the petitions of the Indiana, Vandalia, Illinois and Wabash companies, were referred, do report,

"That having had a meeting with the agents on the part of New York, Connecticut and Virginia, the agents for New York and Connecticut laid before your committee their several claims to the lands said to be contained in their several states, together with vouchers to support the same; but the ~~agents~~ delegates on the part of Virginia declining any elucidation of their claim, either to the lands ceded in the act referred to your committee, or the lands requested to be guaranteed to the said State by Congress, delivered to your committee the written paper hereto annexed and numbered twenty:

"That your committee have carefully examined all the vouchers laid before them, and obtained all the information into the state of the lands mentioned in the several cessions aforesaid, and having maturely considered the same, are unanimously of opinion, and do report the following resolutions:

"*Resolved*, That Congress do, in behalf of the United States, accept the cession made by the State of New York, as contained in the instrument of writing executed for that purpose by the agents of New York, dated the        day of        last past, and now among the files of Congress; and that the President do take the proper measures to have the same legally authenticated, and registered in the public records of the State of New York.



"The reasons that induced your committee to recommend the acceptance of this cession, are,

"1st. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians, and their tributaries, have been in due form put under the protection of the Crown of England by the said Six Nations, as appendant to the late ~~Colony~~ government of New York, so far as respects jurisdiction only.

~~This appears by the minutes of the Council for the Colony of New York from the year 1686 to 1760, also by the paper hereto annexed, No. 2.~~

"2d. That the citizens of the said colony of New York have borne the burthen, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians, and their tributaries, for upwards of one hundred years last past, as the dependents and allies of the said ~~Colony~~ government.

"3d. That the Crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New York.

"4th. That the neighboring colonies of Massachusetts, Connecticut, Pensylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognized and admitted the said Six Nations, and their tributaries, to be appendant to the government of New York.

"5th. That by Congress accepting this cession, the jurisdiction of the whole western territory belonging to the Six Nations, and their tributaries, will be ~~ceded to~~ vested in the United States, greatly to the advantage of the union.

"*Resolved*, That Congress do earnestly recommend to the states of Massachusetts and Connecticut, that they do without delay release to the United States in Congress assembled, all claims and pretensions of claim to the said western territory, without any conditions or restrictions whatever.

*“Resolved, That Congress cannot, consistent with the interests of the United States, the duty they owe to their constituents, or the rights necessarily vested in them as the sovereign power of the United States, accept of the cession proposed to be made by the State of Virginia, or guarantee the tract of country claimed by them in their act of cession referred to your committee.*

## REASONS.

“1st. It appeared to your committee from the vouchers laid before them, that all the lands ceded or pretended to be ceded to the United States by the State of Virginia, are within the claims of the states of Massachusetts, Connecticut, and New York, being part of the lands belonging to the said Six Nations of Indians and their tributaries.

“2d. It appeared that great part of the lands claimed by the State of Virginia, and requested to be guaranteed to them by Congress, is also within the claim of the State of New York, being also part of the country of the said Six Nations and their tributaries.

“3d. It also appeared that a large part of the lands last aforesaid are to the westward of the west boundary line of the late colony of Virginia, as established by the king of Great Britain, in council, previous to the present revolution.

“4th. It appeared that a large tract of said lands hath been legally and equitably sold and conveyed away under the government of Great Britain, before the Declaration of Independence, by persons claiming the absolute property thereof.

“5th. It appeared that in the year 1763, a very large part thereof was separated and appointed for a distinct government and colony by the king of Great Britain, with the knowledge and approbation of the government of Virginia.

“6th. The conditions annexed to the said cession are incompatible with the honor, interests, and peace of the United States, and therefore, in the opinion of your committee, altogether inadmissible.

“*Resolved*, That it be earnestly recommended to the State of Virginia, as they value the peace, welfare and increase of the United States, that they re-consider their said act of cession, and by a proper act for that purpose, cede to the United States all claims and pretensions of claim to the lands and country beyond a reasonable western boundary, consistent with their former acts while a colony under the power of Great Britain, and agreeable to their just rights of soil and jurisdiction at the commencement of the present war, and that free from any conditions and restrictions whatever.

“Your committee farther report, that they have had a conference with the agents for the several petitioners, calling themselves the Indiana, Vandalia, Illenois and Wabash companies, and also of Colonel Croghan, and have seen and carefully examined their several vouchers and deeds; to which conference your committee invited the ~~agents~~ delegates for Connecticut, New York, and Virginia, but the ~~agents~~ delegates for Virginia refused to attend.

“On the whole, your committee are of opinion, that the purchases of Colonel Croghan and the Indiana company ~~and Vandalia Company as far as the last Company proceeded in the same~~ were made *bona fide* for a valuable consideration, according to the then usage and custom of purchasing lands from the Indians, with the knowledge, consent and approbation of the Crown of Great Britain, the then governments of New York and Virginia, and therefore do recommend that it be

“*Resolved*, That if the said lands are finally ceded or adjudged to the United States in point of jurisdiction, that Congress will confirm to such of the said purchasers, who are and shall be citizens of the United States, or either of them, their respective shares and proportions of said lands, making a reasonable deduction for the value of the quit-rents reserved by the Crown of England.

"It appeared to your committee, that divers persons, residing in and being subjects of Great Britain, and now enemies of these United States, together with divers citizens of these United States, (but who bear a small proportion to the whole number of the company) applied to the Crown of England in the year        and agreed to purchase the tract of land called Vandalia, lying on the back of Virginia, from the Allegheny mountains west to the river        and which was agreed to be erected into a colony by the king and council; that the said agreement and purchase was completed all to affixing the seals and passing the usual forms of office, by which the said company were put to very great expences in negotiating the same, as appears by the paper writings hereunto annexed. But as it is altogether incompatible with the interests, government and policy of these United States, to permit such immoderate and extravagant grants of lands to be vested in individual citizens of these states, they cannot, in justice to the United States, recommend the confirmation and establishment of the said purchases, in case the said lands should be ceded or adjudged to the United States; but in order to do the strictest justice to ~~the said Purchasers~~ such of the said company who are and shall remain citizens of these United States, or any of them, your committee propose the following resolution:

*"Resolved,* That in case the said lands shall be ceded or adjudged to these United States in Congress assembled, that on the said purchasers, or such of them as shall remain citizens of these United States, releasing to Congress all their and each of their rights, title, claim and demand, to all and every part of the said lands to and for the use of the United States, Congress will fully and amply reimburse to them and each of them, their heirs or assigns, their and each of their full shares and proportions of all their purchase-money, expences and charges, accrued on the said lands, by distinct and separate grants of lands out of the said several tracts of land, to the full amount and value thereof.

"Your committee also having fully considered the petition of the Illenois and Wabash companies, do report the following resolution:

*"Resolved*, That the petition of the Illenois and Wabash companies be dismissed.

REASONS.

"1st. It appeared to the committee by the confession of the agent for the company, that the said purchases had been made without license of the then government or other public authority, and as your committee conceive, contrary to the common and known usage in such case established.

"2d. That the said purchases were made of certain Indians without any public treaty or other proper act of notoriety.

"3d. That one of the deeds begins on the north side of the Illenois river, and contains only a number of lines without comprehending any land whatever.

"4th. The Wabash purchase has been made since the present revolution, when Congress had ~~a Commissioner of~~ an agent for Indian affairs residing at Fort Pitt, who had no notice thereof.

"5th. That the Six Nations and their tributaries claim the same lands, in opposition to the Indians conveying the same in the deeds to said companies.

"Your committee having been convinced in the course of their investigation of this business, that many inconveniences will arise to the citizens of these United States, unless the jurisdiction of the United States in Congress assembled, with regard to Indian affairs, is more clearly defined and established, do recommend the following resolutions for the consideration of Congress:

*"Resolved*, That the sole right of superintending, protecting, treating with, and making purchases of the several Indian nations situate and being without the bounds of any of the



different states in the union, is necessarily vested in the United States in Congress assembled, for the benefit of the United States, and in no other person or persons whatever within the said states.

*“Resolved,* That no person or persons, citizens of these United States, or any particular State in the union in their separate capacity, can or ought to purchase any unappropriated lands belonging to the Indians without the bounds of their respective states, under any pretence whatsoever.

*“Resolved,* That whenever the United States in Congress assembled, shall find it for the good of the union, to ~~form~~ permit new settlements on unappropriated lands, they will erect a new state or states, to be taken into the federal union, in such manner that no one State so erected shall exceed the quantity of 130 miles square, and that the same shall be laid out into townships of the quantity of about six miles square.

*“Resolved,* That whenever such new state or states shall be erected by Congress, they will make good all reasonable engagements made to the officers and soldiers in the United States, or any of them.

*“Resolved,* That whenever such new states shall be erected, that the *bona fide* settlers within the same, at the time of the erection of such states, shall be confirmed in their respective titles to their reasonable settlements, on the same terms as shall be allowed to other new settlers.

*“Resolved,* That Congress will reimburse all just and reasonable expences, that may have heretofore accrued to any of the states since the present revolution, in conquering, protecting or defending, any of the unappropriated lands so erected into a state or states.

*“Resolved,* That nothing herein before determined by Congress, shall be construed so as to suppose any claim or right in Congress, in point of property of soil, to any lands belonging to the Indian nations, unless the same have been *bona fide* purchased of them by the Crown of England, or



which may hereafter be purchased by the United States in Congress assembled, for the use of the United States, and that at a public treaty to be held for that purpose.”<sup>1</sup>

||On the question for postponing,||

<i>Massachusetts,</i>			<i>Delaware,</i>	
Mr. Partridge,	ay	} ay	Mr. Wharton,	ay } *
Osgood,	ay		<i>Maryland,</i>	
<i>Rhode Island,</i>			Mr. Carroll,	ay } ay
Mr. Ellery,	ya	} ay	Wright,	ay }
Cornell,	ay		<i>Virginia,</i>	
<i>Connecticut,</i>			Mr. J. Jones,	no }
Mr. Law,	ay	} *	Madison,	no }
<i>New York,</i>			Bland,	no }
Mr. Scott,	no	} no	<i>South Carolina,</i>	
Floyd,	no		Mr. Middleton,	no }
<i>New Jersey,</i>			Bee,	no }
Mr. Clark,	ay	} ay	<i>Georgia,</i>	
Boudinot,	ay		Mr. Telfair,	no }
Condict,	ay		N. W. Jones,	no }
<i>Pennsylvania,</i>			Few,	no }
Mr. Montgomery,	ay	} ay		
Smith,	ay			
Clymer,	ay			
Atlee,	ay			

So the question was lost.

The Committee of the Week [Mr. Silas Condict, Mr. Turbett Wright, and Mr. Edward Telfair] report,

That the Memorial of John Buhler respecting his depositing a quantity of paper money in the Treasury and receiving a certificate therefor, do lie on the table.<sup>2</sup>

A motion was then made by Mr. [William] Ellery, seconded by Mr. [Ezekiel] Cornell, to adjourn; on which the yeas and nays being required by Mr. [Theodorick] Bland,

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 30, folio 1. A fair copy is on folio 15.

<sup>2</sup> This report, in the writing of Silas Condict, is in the *Papers of the Continental Congress*, No. 42, I, folio 281. It is undated, but John Buhler's Memorial, dated Philadelphia, April 30, 1782, is on folio 270, and is indorsed: "May 1, 1782. Ordered to lie on the table."

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Partridge,	ay	} ay	Mr. Wharton,	ay	} *
Osgood,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Carroll,	ay	} ay
Mr. Ellery,	ay	} ay	Wright,	ay	
Cornell,	ay		<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. J. Jones,	no	} no
Mr. Law,	no	} *	Madison,	no	
<i>New York,</i>			Bland,	no	
Mr. Scott,	no	} div.	<i>South Carolina,</i>		
Floyd,	ay		Mr. Middleton,	no	} no
<i>New Jersey,</i>			Bee,	no	
Mr. Clark,	ay	} ay	<i>Georgia,</i>		
Boudinot,	ay		Mr. Telfair,	no	} no
<i>Pennsylvania,</i>			N. W. Jones,	no	
Mr. Smith,	ay	} ay	Few,	no	
Clymer,	ay				
Atlee,	ay				

So the house was adjourned till to-morrow.<sup>2</sup>

#### THURSDAY, MAY 2, 1782

Mr. J[ohn] Rutledge, Mr. [David] Ramsay and Mr. A[rthur] Middleton, delegates for the State of South Carolina, attended, and produced credentials; by which it appears that on the 31 January, 1782, the Hon. John Rutledge, David Ramsay, Ralph Izard, John Lewis Gervais, and Arthur Middleton, were elected delegates to represent the State of South Carolina in Congress.

#### IN THE HOUSE OF REPRESENTATIVES

*Jan<sup>y</sup> 31, 1782*

The Honble the Senate attended in this House to vote for five Delegates to represent this State in Congress. Upon casting up the Ballots it appeared that The Honble John Rutledge David Ramsay Ralph Izard John Lewis Gervais and Arthur Middleton Esq<sup>r</sup> had the Majority of votes of the Members present and were by M<sup>r</sup> Speaker thereupon declared duly elected.

<sup>1</sup> At this point Charles Thomson resumes the entries in the Journal.

<sup>2</sup> On this day, according to the indorsement, was read a letter of January 11, from the Assembly of Georgia. On May 20 so much of the letter as respected public accounts was referred to the Superintendent of Finance. The letter is in the *Papers of the Continental Congress*, No. 73, folio 287.

JACKSONBURGH *Febr'y 27<sup>th</sup> 1782*

This is to certify that the above is a true Extract from the Journals of the House of Representatives of the State of South Carolina.

HUGH RUTLEDGE

*Speaker of the House  
of Representatives.*<sup>1</sup>

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [James] Madison,

That the question be now taken on the proposition contained in the words following, that previous to any determination, &c. (as recited yesterday) the same being the remainder of a proposition, on the first part of which a vote was yesterday taken on a call for a division, and now entitled to decision without debate.<sup>2</sup>

An objection was made to this motion as out of order,

And on the question, "is the motion in order" the yeas and nays being required by Mr. [Theodorick] Bland,

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Partridge,	no	} no	Mr. Carroll,	no	} no
Osgood,	no		Wright,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Madison,	ay	} ay
Cornell,	no		Bland,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Law,	no	} *	Mr. Rutledge,	} excused, they having just taken their seats,	}
<i>New York,</i>			Ramsay,		
Mr. Scott,	ay	} div.	Middleton,		
Floyd,	no			ay	} *
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Clark,	no	} no	Mr. Telfair,	ay	} no
Boudinot,	no		Jones,	no	
Condict,	no		Few,	no	
<i>Pennsylvania,</i>					
Mr. Montgomery,	no	} no			
Smith,	no				
Clymer,	no				
Atlee,	no				

<sup>1</sup> The original is in the *Papers of the Continental Congress*, South Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

<sup>2</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 293.

So it passed in the negative.

The secretary for foreign affairs informed Congress, that the hon<sup>ble</sup> the minister plenipotentiary of France has received a letter from his Most Christian Majesty to the United States in Congress assembled, announcing the birth of a Dauphin, and that the minister desires a public audience at which he may deliver the letter; Whereupon,<sup>1</sup>

*Ordered*, That Monday the 13th instant, at twelve o'clock, be assigned for the public audience.

The Committee of the Week [Mr. Silas Condict, Mr. Turbett Wright, Mr. Edward Telfair] report, That the memorial of John Town late a Lieut. in the Continental Army respecting his pay, the said memorialist having the same satisfaction that other officers in similar circumstances have, do lie on the table.<sup>2</sup>

The Committee of the Week report, That the petition of Maurice Derdivens respecting his being brought into distress in consequence of his joining with and serving in the American Army in Canada be referred to the Secretary at War.<sup>3</sup>

#### FRIDAY, MAY 3, 1782

On a report from the Secretary at War:

WAR OFFICE *May 3<sup>rd</sup>. 1782.*

SIR,

To the two companies of Artificers now in this City (making the whole about fifty men) there are attached a Surgeon and a Surgeon's mate. As part of these companies will be detained in this town, part are now at Fort Pitt, part will be sent to Virginia and part of them will join the army under General Greene, this dispersion will render it unnecessary to retain the Surgeon and mate longer in the service.

<sup>1</sup> This paragraph and the Order following it were also entered in the manuscript Secret Journal, Foreign Affairs.

<sup>2</sup> This report, in the writing of Silas Condict, is in the *Papers of the Continental Congress*, No. 32, folio 349. The indorsement states that it was passed on this day. The memorial of John Townes, dated May 1, 1782, is in No. 41, X, folio 151.

<sup>3</sup> This report, in the writing of Silas Condict, is in the *Papers of the Continental Congress*, No. 32, folio 351. It is undated, but *Committee Book*, No. 186, shows that the petition was referred to the Secretary of War on this day.

Should Congress be of this sentiment, and deem some compensation due to their past services they will please to resolve,

*Resolved*, That as the dispersed situation of the corps of artificers commanded by Captain Wyley, will no longer require the services of Dr. A. McCoskey, surgeon, and Dr. W. McCoskey, his mate, they be considered as reduced and retiring from service on the 10th instant and that the surgeon be entitled ~~from that day to receive the same emoluments as heretofore allowed to surgeons and mates retiring under the resolves of the 3<sup>d</sup> and 21<sup>st</sup> October 1780~~ to all the emoluments heretofore allowed to reduced regimental surgeons.<sup>1</sup>

A report from the Secretary at War, which was yesterday brought in, and on which no order was made, being taken up by the President, the order of the day was called for by the State of Virginia, and a motion was made by Mr. [James] Madison, seconded by Mr. [Theodorick] Bland,

That the sense of the house be taken, whether it be in order to take into consideration a report from the Secretary at War which was read yesterday by the secretary, and has since lain on the table, unless the same be called for by a member.<sup>2</sup>

On which the yeas and nays being required by Mr. [James] Madison,

<i>Massachusetts,</i>			<i>New Jersey,</i>		
Mr. Partridge,	ay	} ay	Mr. Boudinot,	ay	} ay
Osgood,	ay		Condict,	ay	
<i>Rhode Island,</i>			<i>Pennsylvania,</i>		
Mr. Ellery,	ay	} ay	Mr. Montgomery,	ay	} ay
Cornell,	ay		Smith,	ay	
<i>Connecticut,</i>			Clymer,	ay	
Mr. Law,	ay	} *	Atlee,	ay	
<i>New York,</i>				<i>Maryland,</i>	
Mr. Scott,	no	} div.	Mr. Carroll,	ay	} ay
Floyd,	ay		Wright,	ay	

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 303.

<sup>2</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 297.

<i>Virginia,</i>		<i>Georgia,</i>	
Mr. Madison,	no	Mr. Telfair,	no
Bland,	no	Jones,	no
<i>South Carolina,</i>			
Mr. Rutledge,	ay		
Ramsay,	ay		
Middleton,	no		

So the question was lost.<sup>1</sup>

### SATURDAY, MAY 4, 1782

The Committee to whom was referred the Memorial of the Merchants of the City of Philadelphia, report that agreeable to direction, they have conferred with the Agent of Marine upon the subject of the Memorial and are of opinion that said Memorial be referred to the Agent of Marine to take such order thereon as he may Judge will have the greatest tendency to protect and secure the trade and commerce of these United States.<sup>2</sup>

*Resolved*, That the Agent of Marine be instructed to employ the naval force of the United States under his direction in such manner as will most effectually protect the trade and commerce of the United States, and that he be ~~authorized~~ directed to make application to any of the Commanders of the fleets of his M. C. M. or of his C. M. for such assistance as they may respectively be able to afford for the like purpose.<sup>3</sup>

On a report from the Superintendent of Finance as Agent of Marine, to whom was referred a memorial of the merchants and traders of the City of Philadelphia,

<sup>1</sup> On this day, according to the indorsement, a letter of the Secretary at War, dated May 3, enclosing a letter of April 27 from General Washington, was referred to Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, Mr. [John] Rutledge. It is in the *Papers of the Continental Congress*, No. 149, I, folio 313, and the enclosure on folio 309. According to Committee Book No. 186, "The several papers referred to Mr. Boudinot, Mr. Atlee and Mr. Rutledge" were, on June 21, committed to Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, Mr. [John] Lowell, Mr. [Ralph] Izard, Mr. [William] Few.

<sup>2</sup> This report, in the writing of Ezekiel Cornell and undated, is in the *Papers of the Continental Congress*, No. 28, folio 243a.

<sup>3</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 28, folio 241. It was offered May 2.



The Superintendent of the finances of the United States, to whom was referred the report of a Committee on a Memorial of the Merchants of Philadelphia and motion thereon, begs leave to report,

That the Navy of the United States is not in a situation to afford protection to their commerce nor can be rendered equal to that object for some considerable time even if the necessary funds could be procured.

That there remains no mode of obtaining such protection unless from the allies of the United States or the powers engaged with them in war against Great Britain

That the commerce of these States is of such importance that it is not improbable that the Court of France would afford permanent protection if in their power and that in the interim some relief may perhaps be obtained from the fleets in the West Indies.

The following resolution therefore is submitted—

That the Superintendent of the Finances prepare a state of the Commerce of the United States together with a plan for the protection thereof. ~~That the Secretary of Foreign Affairs communicate the same to the minister of his Most Christian Majesty and cause applications to be thereupon made by the minister of these States at the Court of Versailles~~ and that the Superintendent as Agent of Marine make application ~~on the same subject~~ to the Commanders of the fleets of France and Spain in the West Indies for such protection as may be in their power to afford.<sup>1</sup>

*Resolved*, That the Superintendent of the Finances prepare a state of the commerce of the United States, together with a plan for the protection thereof;

And that the Superintendent as Agent of Marine make application to the commanders of the fleets of France and Spain in the West Indies for such protection as may be in their power to afford.

That the Agent of Marine prepare a draught of an application to be made by Congress to the Court of France for the protection of the trade of the United States, and report to Congress.<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 137, I, folio 435.

<sup>2</sup> On this day, according to the indorsement, were read two letters of April 24 from the Governor of Connecticut, one addressed to the President and the other to the Secretary of Congress. They were referred to Mr. [William] Ellery, Mr. [George]

## MONDAY, MAY 6, 1782

On a report from the Secretary at War, to whom was referred a petition of M. Dedevas:

WAR OFFICE *May 3<sup>d</sup>, 1782.*

SIR,

I have attentively examined the papers which accompany the petition of Captain Desdevens, and find that he rests the justice of his petition on the following facts and observations.

1. The petitioner refers to anonymous letters written to Genl. Montgomery.

2. He was directed to command the sleds and waggons for the ammunition.

3. He was directed to apprehend such soldiers as were not furnished with passes, and to act in all matters for the service of Congress.

4. Colonel Arnold ordered him to aid in raising a company for the American service.

5. He was directed by Colonel Arnold to raise all the men in his power.

6. He was empowered to administer the oaths of fidelity to Congress to such as were disposed to take it: This appointment was approved by General Sullivan.

7. He was directed to assist the Commissary in securing forage for the Army.

8. He assisted Col. Antill in surveying and pointing out proper ground on which to erect batteries to prevent the enemy's shipping going up the river. The fatigue of this service induced a pleurisy which continued him sick a long while.

9. Colonel Brown certifies that while the army lay before Quebec, he gave them every assistance in his power, and approved himself a true friend to the American cause.

10. General Clinton certifies that he rendered essential services while the army was before Quebec, in the characters of Captain of Militia, and as surveyor employed under the Engineer; that he retired from Canada with the Army and has since behaved as a good subject strongly attached to the cause of America.

Clymer, Mr. [Elias] Boudinot and are in the *Papers of the Continental Congress*, No. 66, II, folios 218 and 222.

Also, a letter from the Secretary at War enclosing a letter to him, of April 24, from the Governor of Connecticut. It was referred to Mr. [John Morin] Scott, Mr. [Ezekiel] Cornell, Mr. [Elias] Boudinot. It is in No. 149, I, folio 333.

The proceedings, for May 4, were also entered in the manuscript Secret Journal, Foreign Affairs.

11. General Schuyler gives it as his opinion that Captain Desdevens' services and sufferings entitle him to a continuation of the monthly allowance of fifteen dollars formerly allowed and paid to him, and four rations for the support of himself, his wife and four children.

From the foregoing representation it appears that the Petitioner was while in Canada of use to our army, and that his exertions to serve the United States have rendered him too obnoxious to the British government to live with safety under it.

It is to be wished that some employ might be given him by which he could obtain a subsistence. In the mean time considering his peculiar situation and the resolves of Congress, which invited the aid of the Canadians, I think he should be permitted to draw for his own and family's support four rations per day.

Should Congress countenance this opinion they will please to resolve,

*Resolved*, That Maurice Dedevas be, and hereby is, entitled to draw four rations per day, until it shall be otherwise ordered by Congress.<sup>1</sup>

The order of the day for taking into consideration the report of the committee on the cessions of New York, Virginia and Connecticut, and the petitions of the Indiana, Vandalia, Illionois and Wabash companies, being called for by the State of Virginia, a motion was made by Mr. [Joseph] Montgomery, seconded by Mr. [Samuel] Osgood, that the order of the day be postponed.<sup>2</sup>

On which the yeas and nays being required by Mr. [Theodorick] Bland,

<i>Massachusetts</i> ,		<i>Connecticut</i> ,	
Mr. Partridge,	ay }	Mr. Law,	ay } *
Osgood,	ay }	<i>New York</i> ,	
<i>Rhode Island</i> ,		Mr. Scott,	ay }
Mr. Ellery,	ay }	Floyd,	ay }
Cornell,	ay }		

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 317.

<sup>2</sup> The following indorsed "Motion of Mr. T[homas] Smith May 6, 1782," in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 301:

Is it in order to call for the order of the day when reports from the Treasury or War office are on the table and no order taken or given concerning them either for postponing, committing, assigning a day for the consideration of them, or by passing them?

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Clark,	ay	} ay	Mr. Madison,	no	} no
Boudinot,	ay		Bland,	no	
Condict,	ay		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			Mr. Rutledge,	no	} no
Mr. Montgomery,	ay	} ay	Ramsay,	no	
Smith,	ay		Middleton,	no	
Clymer,	ay		<i>Georgia,</i>		
Atlee,	ay		Mr. Telfair,	ay	} ay
<i>Delaware,</i>			N. W. Jones,	ay	
Mr. Dickinson,	ay	} ay	Few,	ay	
Wharton,	ay				
<i>Maryland,</i>					
Mr. Carroll,	ay	} ay			
Wright,	ay				

So it was resolved in the affirmative.

The committee, consisting of Mr. [Abraham] Clark, Mr. [Theodorick] Bland, Mr. [Samuel] Osgood, to whom was referred a letter of 20 April from the Superintendent of finance, touching the appointment of an intendant of the army, brought in a report, which was taken into consideration, and the same being amended to read as follows:

“That the Superintendent of finance be authorised ~~and directed to appoint a proper person to be Intendent for the main army~~ an inspector for the main and another for the southern army, to take care that the contracts for supplying rations be duly executed by the contractors: that the said ~~Intendant~~ inspectors shall also be fully empowered and directed to attend to the expenditures of public property in the several departments of the army, and report any fraud, neglect of duty, or other misconduct by which the public property is wasted, or expence unnecessarily accumulated, so that the party charged therewith may be tried by court-martial on such charges exhibited against him by either of the said ~~Intendant~~ inspectors; and that neither the said ~~Intendant~~ inspectors nor the said contractors, or their property, be liable to arrest or subject to martial law, except by

the express order of the Commander in Chief, or commander of the army to which the ~~Intendant~~ inspectors shall be appointed, any resolution or act of Congress heretofore made notwithstanding: that the pay ~~and allowance~~ to the ~~Intendant~~ each inspector be 166 2-3 dollars per month, ~~rations per day and forage for~~ horses in full of all allowances."

~~That the Superintendent of Finance be authorized to appoint an Intendant for the Southern Army when ever contracts shall be made for supplying that army with rations, which Intendant shall be vested with like powers, and entitled to the same privileges pay and allowances granted to the Intendant of the main army.~~

~~That each Inspector when appointed shall take an oath for the faithful and impartial execution of the trust reposed in him as Inspector of the contracts for the army.<sup>1</sup>~~

A motion was made by Mr. [John] Rutledge seconded by Mr. [Theodorick] Bland, to amend the report farther by adding thereto, that the Superintendant of finance be directed forthwith to make contracts for the supply of the southern army.

On the question to agree to this amendment, the yeas and nays being required by Mr. [Arthur] Middleton,

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	no	}	Mr. Carroll,	no	} div
<i>Rhode Island,</i>			Wright,	ay	
Mr. Ellery,	no	} no	<i>Virginia,</i>		
Cornell,	no		Mr. Madison,	no	}
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	no	} no	Mr. Rutledge,	ay	} ay
Floyd,	no		Ramsay,	ay	
<i>New Jersey,</i>			Middleton,	ay	
Mr. Condict,	no	}	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Telfair,	ay	} ay
Mr. Montgomery,	no	} no	N. W. Jones,	ay	
Smith,	no		Few,	ay	
Clymer,	no				
<i>Delaware,</i>					
Mr. Dickinson,	no	} no			
Wharton,	no				

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, IV, folio 355-2.

So the question was lost.

WAR OFFICE *March 23<sup>rd</sup>, 1782.*

SIR,

I have considered the memorial addressed by Major Macpherson to Congress—

It appears that Congress appointed him a Major in the Army of the United States, and that he has been considered by the Commander in chief as possessing that rank. I do not therefore conceive that there will be any impropriety in granting him the *commission* of Major. The pay of the appointment may be governed by the resolve of Congress which directs that he receive it while in actual service, although this gentleman's peculiar situation requires an attention also to the emoluments of the commission.

I therefore beg leave to submit the following Resolve,

*Resolved*, That the Secretary at War is hereby directed to issue the Commission of Major in the army to Major William Macpherson, to take rank as such from the 16<sup>th</sup> of September 1779.

WAR OFFICE *May 3<sup>rd</sup>, 1782.*

SIR,

On the memorial of Major Macpherson referred to me to report specially whether his commission would interfere with the rank of any other officer, I beg leave to report that I do not conceive the commission of Major will militate in any greater degree with the rank of other officers than the Brevet which he now holds appointing him to that grade.<sup>1</sup>

<sup>1</sup> The first report was read March 26 and on April 24 referred to the Secretary at War to report especially whether granting a commission to Major Macpherson appointing him a major in the army of the United States will interfere with the rank of any officer in the army. On May 6 the question was taken on the report and passed in the negative. The first report is in the *Papers of the Continental Congress*, No. 149, I, folio 171; the second is on folio 167.

On this day, according to the indorsement, was presented the petition, dated Philadelphia May 3, 1782, of Nicholas Reib. It was ordered to lie on the table. It is in No. 42, VI, folio 461.

Also a letter, dated April 24, from the Governor of Connecticut, relating to American prisoners in England. It was referred to Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, Mr. [John] Rutledge and is in No. 66, II, folio 224. According to Committee Book No. 186, "The several papers referred to Mr. Boudinot, Mr. Atlee and Mr. Rutledge" were, on June 21, committed to Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, Mr. [John] Lowell, Mr. [Ralph] Izard and Mr. [William] Few.

Also, a letter of this day, from Count Bieniewsky. It was referred to the Secretary at War, the indorsement states, and on May 14 to Mr. [Abraham] Clark, Mr. [John] Rutledge and Mr. [Theodorick] Bland. On May 27 it was referred to Mr. [James]



TUESDAY, MAY 7, 1782

Mr. [Jesse] Root, a delegate for the State of Connecticut, attended, and took his seat in Congress.

On motion of Mr. [James] Madison, seconded by Mr. [Ezekiel] Cornell,

*Resolved, unanimously,* That a committee be appointed to confer with the Superintendant of finance and Secretary at War, on the practicability and means of procuring supplies for the southern army by contracts, and report thereon.<sup>1</sup>

The report of the committee which was yesterday under consideration, being taken up and agreed to as follows:

*Resolved,* That the Superintendent of finance be, and hereby is authorised, to appoint an inspector for the main and another for the southern army, to take care that the contracts for supplying rations be duly executed by the contractors; that the said inspectors shall also be, and they hereby are fully empowered and directed to attend to the expenditures of public property in the several departments of the army, and report any fraud, neglect of duty or other misconduct by which the public property is wasted, or expence unnecessarily accumulated, so that the party charged therewith may be tried by court-martial on such charges exhibited against him by either of the said inspectors; and that neither the said inspectors nor the said contractors, or their property, be liable to arrest or subject to martial

Madison, Mr. [John Morin] Scott and Mr. [David] Ramsay. It is in No. 78, IV, folio 299. See *post* May 10, 24, and 29.

Also, on this or an approximate date, a letter dated Lancaster May 1, from William Henry to William Moore, President of Pennsylvania. It was referred to Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, Mr. [John] Rutledge to confer with the Superintendent of Finance and Secretary at War. On June 21 it was referred to Mr. [John] Lowell, Mr. [Ralph] Izard, Mr. [William] Few. It is in No. 78, XII, folio 315.

<sup>1</sup> According to the Committee Book, *Papers of the Continental Congress*, No. 186, the committee consisted of Mr. [John] Rutledge, Mr. [Theodorick] Bland, and Mr. [Samuel] Osgood; but on June 3, Mr. [David] Ramsay was added in place of Rutledge. The committee reported June 21.

law, except by the express order of the Commander in Chief, or commander of the army to which the inspectors respectively shall be appointed, any resolution or act of Congress heretofore made notwithstanding:

That the pay to each inspector be one hundred and sixty-six dollars and two thirds of a dollar per month in full of all allowances:

That each inspector when appointed, shall take an oath for the faithful and impartial execution of the trust reposed in him, as inspector of the contracts of the army.<sup>1</sup>

On the report of a committee, consisting of Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, and Mr. [John] Rutledge, to whom was referred a letter of 24 April from the governor of Connecticut:

The Committee to whom was referred the letter from Governor Trumbull of 24<sup>th</sup> April 1782

Report,

That the situation of our fellow citizens prisoners in the different goals in England, require the constant attention of Congress; but as their condition there ~~tho' confined as traitors~~ is far preferable to the state of the marine prisoners at New York, confined in prison ships, your Committee are of opinion that no remedy can at present be afforded them but the making of provision for increasing the number of marine prisoners on the part of the United States. That our Seamen in England tho' confined as traitors, yet are allowed to be subject to exchange and are actually exchanged whenever we have seamen to return for them.

That from some incidental circumstances it became necessary for our Minister at the Court of France to lend about 500 marine prisoners to the Court of France; but for political reasons, the Court of Great Britain have refused to accept of prisoners captured by the subjects of France in exchange for American prisoners—Wherefore your Committee recommend the following resolution,

*Ordered*, That the Secretary for foreign affairs inform our minister at the Court of Versailles, that it is the desire of Congress that he make application to the Court of France,

<sup>1</sup> From this point to the end of the day, the proceedings were also entered in the manuscript Secret Journal, Foreign Affairs.

for direction to the commander of his Most Christian Majesty's navy in the West Indies, to forward the number of prisoners due to these United States to some port thereof, in order that they may be exchanged for our prisoners at New York.<sup>1</sup>

On the report of a committee consisting of Mr. [John] Rutledge, Mr. [Elias] Boudinot and Mr. [James] Madison, to whom was referred a report from the Secretary for Foreign Affairs relative to the Ceremonial on admitting the Minister of France to a public audience,

The Committee to whom the Report of the Secretary of foreign affairs relative to the Ceremonial on admitting the Minister of France to a public audience, beg leave to Report the following, as proper to be adopted on this occasion:

*Resolved*, That the Minister shall come in his own coach to the state house, and shall be received at the foot of the steps by two Members of Congress deputed for that purpose, who shall conduct him to his seat in the room of Congress. As the Minister enters, the President and the house shall rise, the President remaining covered, the Minister shall bow to the President and then to the house before he takes his seat. The President shall uncover his head as he returns his bow. The Minister shall then seat and cover himself; the members conducting him shall sit on each side of him. The members of the house shall seat themselves.

When the Minister speaks, he shall rise; the President and house shall remain sitting till he has spoken and delivered his letter by his Secretary to the Secretary of Congress, who shall deliver it to be read by the interpreter in the original language. The interpreter shall then deliver a translation to be read by the Secretary of Congress, after which the President shall deliver his answer standing and covered, the Minister and the house also standing but uncovered. The President and the Minister having bowed to each other and

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 20, I, folio 331.

the latter to the house who shall be standing to receive it, he shall be reconducted to the foot of the stairs of the state house in the same manner in which he came in.<sup>1</sup>

After the Audience shall be over the house shall adjourn. ~~when the President and members shall individually pay their compliments to the Minister of France.~~

That ~~seats be provided~~ places be assigned for the principals in the three ~~great~~ executive departments under Congress, and for the President and executive council of the State.

That general officers, judges of appeals, the treasurer, paymaster general, comptroller, auditor and chaplains of Congress, the assistants and principal secretaries in each of the departments, be admitted without the bar of the house.

That the Secretary at War take order to receive the Minister with military honor, and to conclude the audience with the discharge of thirteen cannon and a feu de joye of musquetry, and for the display of fireworks in the evening at 8 o'clock.

That all that relates to the placing the persons particularly admitted ~~within the bar of Congress~~ to the Audience be under the direction of the Secretary of Congress.

That each member of Congress be entitled to admit two persons, and be furnished with tickets for the purpose by the Secretary.

That tickets be sent by the Secretary for Foreign Affairs to such foreigners or other strangers as he may judge it proper to admit.

That on Monday next an entertainment be provided by Congress at the city tavern, ~~to which shall be invited in the name of the President and Congress~~ for the Minister of France and his suite, to be under the direction of the Secretary for Foreign Affairs, ~~who may invite thereto such general officers and foreigners of distinction in town as the Presi-~~

<sup>1</sup> Up to this point a copy of the report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 25, II, folio 227.

~~dent shall approve,~~ who shall give invitations in the name of Congress to the president and council of Pennsylvania, the principals of the three executive departments under Congress, and such other persons as he may think proper.

That a letter be written to the Commander in Chief, and to the Commander in the Southern Department, by the Secretary for Foreign Affairs, informing them of the public annunciation of the birth of the Dauphin, that the same may be published in both armies with such demonstrations of joy as their commanders shall respectively direct.

That the Secretary for Foreign Affairs also inform the governors and presidents of the respective states of the birth of an heir to the Crown of France, that the people of each State may partake in the joy which an event that so nearly affects the happiness of their great and generous ally cannot fail to excite.<sup>1</sup>

### WEDNESDAY, MAY 8, 1782

A letter, of 10 February, from Major General Greene, respecting the promotion of Colonel O. Williams, being read:<sup>2</sup>

A motion was made by Mr. [Joseph] Montgomery, seconded by Mr. [Samuel John] Atlee,

That Colonel Otho Williams be, and hereby is promoted to the rank of brigadier in the line of the army of the United States.

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Elias] Boudinot, to amend the motion by adding after Otho Williams, the words "and Colonel Elias Dayton," and changing the word "is" into "are."

<sup>1</sup> This paragraph and the preceding one were printed in the Secret Journal under date of May 7, and in the Public Journal under date of May 13. The report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 25, II, folio 99.

On this day, according to the indorsement, was read a letter of same date, from the Secretary at War, enclosing a memorial dated March 4, from Lieut. Col. Edward Antill. The letter is in No. 149, I, folio 337. The memorial is in No. 41, I, folio 81, and was referred to the Secretary at War.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 155, II, folio 417.

An objection was made to this amendment as being out of order, and on the question, is the motion for amendment in order, the yeas and nays being required by Mr. [Abraham] Clark,

<i>[Massachusetts,</i>			<i>Delaware,</i>		
Mr. Partridge,	ay	} ay	Mr. Dickinson,	no	} no
Osgood,	ay		Wharton,	no	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} div.	Mr. Carroll,	ay	} div.
Cornell,	no		Wright,	no	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Law,	ay	} div.	Mr. Madison,	ay	} ay
Root,	no		Bland,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	no	} div.	Mr. Rutledge,	no	} no
Floyd,	ay		Ramsay,	no	
<i>New Jersey,</i>			Middleton,	ay	
Mr. Clark,	ay	} ay	<i>Georgia,</i>		
Boudinot,	ay		Mr. Telfair,	ay	} ay
Condict,	ay		Jones,	ay	
<i>Pennsylvania,</i>			Few,	ay	
Mr. Montgomery,	no	} no			
Smith,	no				
Clymer,	ay				
Atlee,	no				

So the question was lost.]<sup>1</sup>

A letter from the Secretary for foreign affairs was read in the words as follows:

“PHILADELPHIA, May 7, 1782.

“SIR,

“Mr. Jay, in his letter of the third October last, holds forth the idea of sending an envoy to Lisbon.

<sup>1</sup> The portion in brackets was entered in the Public Journal by George Bond.

From this point to the end of the day the proceedings were entered only in the manuscript Secret Journal, Foreign Affairs, except Madison's motion, which was also entered in Secret Journal, No. 4. A copy of the motion is in Secret Journal, No. 6, Vol. III.



"As in the present situation of our affairs this may not be thought to promise advantages equivalent to the expence the United States will incur thereby, or the loss of reputation they may sustain if their solicitations should be rejected, I take the liberty to request the sense of Congress on their resolution of the eleventh day of July, a copy of which is enclosed. I must confess it appears to me, that in our present circumstances a variety of reasons present themselves for its repeal.

"I have the honour to be, sir, your

"most obedient humble servant,

"ROBT. R. LIVINGSTON.

"The honourable Mr. CARROLL,

"*Chairman of Congress.*"

Thereupon, on motion of Mr. [James] Madison, seconded by Mr. [Edward] Telfair,

*Resolved*, That it be an instruction to Mr. Jay not to send Mr. Carmichael to the Court of Portugal in pursuance of the resolution of the 11th day of July, 1781, unless he shall have good grounds to expect that such a measure will attain the object proposed by the Superintendent of Finance.<sup>1</sup>

#### THURSDAY, MAY 9, 1782

A motion was made by Mr. [Abraham] Clark, seconded by Mr. [Silas] Condict, in the words following:

It being represented to Congress, that one of the brigades in the Maryland line, and the brigade of New Jersey troops, are without brigadiers of the lines of those states,

<sup>1</sup>This letter and resolution are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 396.

On this, or an approximate date, was read a letter dated February 10 from Major General Greene, respecting matters in the Southern department. The indorsement shows that it was referred to Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. [Daniel] Carroll. It is in the *Papers of the Continental Congress*, No. 155, 11, folio 421.

*Resolved*, That two brigadiers be appointed in the army of the United States.

A motion was made by Mr. [William] Ellery, seconded by Mr. [George] Partridge, to strike out the preamble, and on the question, "shall the preamble stand?"

The yeas and nays being required by Mr. [Abraham] Clark,

<i>Massachusetts,</i>			<i>Delaware,</i>			
Mr. Partridge,	no	} no	Mr. Dickinson,	no	} no	
Osgood,	no		Wharton,	no		
<i>Rhode Island,</i>			<i>Maryland,</i>			
Mr. Ellery,	no	} no	Mr. Carroll,	no	} no	
Cornell,	no		Wright,	no		
<i>Connecticut,</i>			<i>Virginia,</i>			
Mr. Law,	no	} no	Mr. Madison,	no	} no	
Root,	no		Bland,	no		
<i>New York,</i>			<i>South Carolina,</i>			
Mr. Scott,	no	} no	Mr. Rutledge,	ay	} ay	
Floyd,	no		Ramsay,	ay		
<i>New Jersey,</i>			Middleton,	no		
Mr. Clark,	ay	} ay	<i>Georgia,</i>			
Boudinot,	ay		Mr. Telfair,	no	} no	
Condict,	ay		N. W. Jones,	no		
<i>Pennsylvania,</i>			Few,	no		
Mr. Montgomery,	no	} no				
Smith,	no					
Clymer,	no					
Atlee,	ay					

So it passed in the negative.

On motion, the resolution was postponed, and a motion was made by Mr. [James] Madison, seconded by Mr. [Theodorick] Bland, in the words following:

General Greene, commanding the army of the United States in the southern department, having represented to Congress that the appointment of a brigadier general, to command a brigade in the Maryland line of the army, was rendered expedient by the proposed formation of the said line into two brigades, and having recommended Colonel Otho

Williams, as an officer whose distinguished talents and services give him a just pretension to such appointment which recommendation is also supported by the testimony of the Commander in Chief in favour of the said officer:

*Resolved*, That in consideration of the distinguished talents and services of Colonel O. Williams, he be, and hereby is appointed a brigadier general in the army of the United States.<sup>1</sup>

A motion was made by Mr. [John Morin] Scott, seconded by Mr. [Noble Wimberly] Jones, that the consideration of this motion be postponed; and on the question for postponing, the yeas and nays being required by Mr. [John Morin] Scott,

<i>Massachusetts</i> ,			<i>Delaware</i> ,		
Mr. Partridge,	no	} no	Mr. Dickinson,	no	} no
Osgood,	no		Wharton,	no	
<i>Rhode Island</i> ,			<i>Maryland</i> ,		
Mr. Ellery,	no	} no	Mr. Carroll,	no	} no
Cornell,	no		Wright,	no	
<i>Connecticut</i> ,			<i>Virginia</i> ,		
Mr. Law,	no	} no	Mr. Madison,	no	} no
Root,	no		Bland,	no	
<i>New York</i> ,			<i>South Carolina</i> ,		
Mr. Scott,	ay	} div.	Mr. Rutledge,	no	} no
Floyd,	no		Ramsay	no	
<i>New Jersey</i> ,			Middleton,	ay	
Mr. Clark,	ay	} ay	<i>Georgia</i> ,		
Boudinot,	no		Mr. Telfair,	ay	} ay
Condict,	ay		N. W. Jones,	ay	
<i>Pennsylvania</i> ,			Few,	ay	
Mr. Montgomery,	no	} no			
Smith,	no				
Clymer,	no				
Atlee,	no				

So it passed in the negative.

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 299.

A division was then called for, and on the question to agree to the preamble; the yeas and nays being required by Mr. [John Morin] Scott,

<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Partridge,	ay	} ay	Mr. Dickinson,	ay	} ay
Osgood,	ay		Wharton,	ay	
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	ay	} ay	Mr. Carroll,	ay	} ay
Cornell,	ay		Wright,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Law,	ay	} ay	Mr. Madison,	ay	} ay
Root,	ay		Bland,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	no	} div.	Mr. Rutledge,	ay	} ay
Floyd,	ay		Ramsay,	ay	
<i>New Jersey,</i>			Middleton,	ay	
Mr. Clark,	no	} no	<i>Georgia,</i>		
Boudinot,	ay		Mr. Telfair,	no	} no
Condict,	no		N. W. Jones,	no	
<i>Pennsylvania,</i>			Few,	no	
Mr. Montgomery,	ay	} ay			
Smith,	ay				
Clymer,	ay				
Atlee,	ay				

So it was resolved in the affirmative.

On the question to agree to the resolution, resolved in the affirmative.<sup>1</sup>

May 9, 1782, a letter from the Superintendant of finance was read as follows:

OFFICE OF FINANCE, May 8, 1782.

SIR,

His Excellency the Minister of France, in a late letter to me has officially declared, that in future no sums will be paid to the ministers of the United States in

<sup>1</sup> From this point the entries for this day are taken from the printed Secret Journal, Foreign Affairs, where they were inserted under date of May 20, 1782.

Europe by his court. It becomes necessary, therefore, to make provision for their support here. I immediately applied to the minister for foreign affairs for an account of the annual salaries payable to his department. I have received it this day, and do myself the honour to enclose a copy. I must take the liberty to observe, that the sum is very large, and cannot be advanced without greatly retrenching from essential service, at least, in the present moment. It will, I humbly conceive, be necessary that arrangements should be taken, so that in future all such salaries as are payable to foreign ministers, be advanced in America, and negotiated by their respective agents. This will be more honourable to the United States, and, I should suppose, more agreeable to the gentlemen concerned.

The Minister of France has also observed, that the accounts between his Most Christian Majesty and the United States, having become very important by the greatness of the sums advanced and lent, it is indispensable that measures be taken to adjust them, and avoid that confusion which would be introduced by a longer delay. And in consequence he has desired that Congress would transmit to Dr. Franklin full powers finally to settle those accounts; and in the name of the United States to execute the proper obligations for securing the debt, and fixing the periods of payment. To this, he adds, that it is not expected that Congress can do any thing towards payment during the war; but that they will fix the several epochas at which it shall be made. To a proposition so reasonable there will, I presume, be no objection. The solidity of the observation on which it is founded cannot be called in question; and I am induced by it to extend the remark a little farther. The great sums which

remain unsettled and undetermined between the French Court and the United States, are alike unsettled between the latter and their publick servants. How the accounts may stand I know not, but it is my particular duty to observe, that there appears to have been but little received for the great sums which have been expended; and therefore it is highly necessary that the publick accounts of these states with their servants in Europe be also settled. It shall be my study, in future, to prevent the existence of such accounts; but their magnitude, as well as other circumstances, makes me extremely solicitous to have them adjusted.

I have the honour to be, &c.

ROB. MORRIS.

HIS EXCELLENCY the PRESIDENT OF CONGRESS.<sup>1</sup>

On the same day was received a letter from the secretary for foreign affairs as follows:

OFFICE FOR FOREIGN AFFAIRS, May 8, 1782.

SIR,

The enclosed account of the annual expence of the office for foreign affairs, exclusive of contingent expenses, was made out at the request of the Superintendent of the finances, that measures might be taken to discharge the salaries of the gentlemen in Europe, who express great uneasiness on the subject. But as it is incomplete till the allowances to the private secretaries of Dr. Franklin and Mr. Adams are ascertained, I have thought it proper to lay the whole before Congress for their direction thereon.

Congress were pleased to order, by their resolution of the second of January last, that the Secretary for

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 137, I, folio 439. The indorsement shows that it was referred on this day to Mr. [David] Ramsay, Mr. [James] Madison and Mr. [Abraham] Clark. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 400.



foreign affairs lay before them an estimate of the expences which will probably be incurred by the foreign ministers of the United States, respectively, and their secretaries. I find myself under great embarrassments in preparing a report agreeable to their order, from not being able to enter fully into their views. I should presume that the expences of foreign ministers ought to be regulated by their salaries; though I feel that the desire of supporting the dignity of an office to which the salary is incompetent often urges men to quit this line, how much soever they may be embarrassed thereby. Justice suggests that the salaries of officers who are engaged in so delicate and difficult a department as that of foreign affairs should have such appointments as to free them from embarrassments with respect to their private affairs. I believe Congress had this in view when they settled those of their foreign ministers, none of whom complain of their being inadequate, unless it be Mr. Jay, who has given us some reason to think that his is, in his opinion, barely sufficient for his support, and that his manner of living is not equal to what he conceives the dignity of the United States requires. With respect to the salaries of the secretaries to the embassies, they are, in my opinion, (founded upon the practice of other nations) at least double of what they ought to be. If, as I presume, Congress intended by their resolution that I should lay before them an account of the manner in which our foreign ministers live at present, that they might be enabled to judge of the proportion it bore to their appointments, I can only say, that the result of inquiries on this head must necessarily be extremely uncertain. I submit them as far as they have come to my knowledge.

Doctor Franklin has a part of Mr. Chaumont's house at Passy; he keeps a chariot and pair, and three or four servants; and gives a dinner occasionally to the Americans and others. His whole expence, as far as I can learn, is very much within his income.

Mr. Adams lives in lodgings, keeps a chariot and pair, and two men servants. He has hitherto retained a private secretary, who will, in the absence of Mr. Dana, it is to be presumed, be paid by Congress. I have lately heard that Mr. Adams was about to take a house.

Mr. Dana's salary, even if he should assume a public character in a country where the relative value of money is so high, that, if I am well informed, an elegant house may be hired for fifteen guineas a year, is very ample.

Of Mr. Jay's manner of living, I have been able to obtain no account; but I should conclude from the price of the necessaries of life in that part of Spain in which he lives, from the port the Court and the people about it maintain, and, above all, from its sitting in different parts of the kingdom, that to live in the same style with Doctor Franklin or Mr. Adams, his expences must amount to nearly the double of theirs.

But as every conjecture of this kind must be very uncertain, all I can do is to lay before Congress the relative expence, as far as I can learn it, between the different places at which the ministers reside, taking Philadelphia for a common standard.

Paris, if wine, clothing and the wages of servants are included, is about twenty per cent. cheaper than Philadelphia; Amsterdam, ten; and at Madrid, the expences of a family are somewhat higher than at this

place. But the unsettled state of those who follow the Court, their travelling equipage and charges, must greatly enhance this expence.

Congress will make their own deductions from these facts, after allowing for their inaccuracy. I would, however, take the liberty to submit the enclosed resolutions to Congress. The first is founded upon the propriety of supplying Doctor Franklin with a secretary, which his age and the dignity of his employment render necessary. As Mr. Jay is not yet acknowledged, Mr Carmichael's services in Spain may be dispensed with.

The second, third, fifth and sixth are designed to make a reform in this article of expence.

The fourth to prevent the claim which any gentleman, who may be appointed to either of the northern courts, may have to the salary settled by Congress on the 5th of October; and to adapt the character to the allowance.

The sixth to enable Congress, without injuring the dignity of their ministers, to proportion the allowance to the expence of the court they reside at, as well as the port they would wish them to maintain.

I have the honour to be, &c.

(Signed) ROBERT R. LIVINGSTON.<sup>1</sup>

OFFICE OF FOREIGN AFFAIRS, *May 9, 1782.*

The Secretary for foreign affairs humbly submits the following resolutions to the consideration of Congress.

*Resolved*, That Mr. Carmichael be appointed secretary to the embassy from the United States to the Court of Versailles, with a salary of four thousand dollars per annum.

<sup>1</sup>This letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 397.

*Resolved*, That Mr. Jay be empowered to appoint a private secretary, with a salary of one thousand dollars per annum.

*Resolved*, That Mr. Laurens, when he enters upon his mission to the United Provinces of the low countries, be empowered to appoint a secretary, with a salary of one thousand dollars per annum.

*Resolved*, That the commissioners for negotiating a peace, in case Mr. Dana shall not return, appoint a secretary to the commission, with a salary of one thousand dollars per annum.

*Resolved*, That the commission of minister plenipotentiary from the United States of America to the court of Petersburg be revoked; and that a commission issue to Francis Dana, esquire, constituting him resident at the said court.

*Resolved*, That when he shall have been received in that character, he be empowered to appoint a private secretary, with a salary of eight hundred dollars per annum, who shall remain in office till Congress think it proper to make another appointment.

*Resolved*, That the appointment of no secretary to any of the northern courts in future shall exceed one thousand dollars per annum; and that the appointments of a secretary to the embassy in France, Spain and Holland, shall in future be two thousand dollars, excepting such secretaries as have been heretofore appointed.

*Resolved*, That the salary of a minister plenipotentiary from the United States, from the first day of January next, shall not exceed five thousand dollars, and that of a resident, three thousand; but that an allowance be made for household expences, at and after the following rates:

Dollars.

To the minister plenipotentiary at the Court of Versailles .....	
To the minister in Spain .....	
To the resident in the United Provinces, a minister being unnecessary.	
To the resident at the Court of Petersburg, and at each of the other northern courts .....	<sup>1</sup>

Annual expence of the department of foreign affairs,  
exclusive of contingencies.

Secretary of the United States for the department of foreign affairs,	\$4,000
1st under secretary, Lewis R. Morris,	800
2d under secretary, Peter S. Du Ponceau,	700
Clerk, the Rev. Mr. Tetard,	500
	6,000
Doctor Franklin,	£2,500 at 4s.6d.
Mr. Jay,	2,500
Mr. Adams,	2,500
Mr. Laurens,	1,500
Mr. Carmichael,	1,000
Mr. Dana,	1,000
Mr. Dumas,	200 louis d'ors,
Consul,	920
	1,500
	57,308 $\frac{3}{4}$
Private secretary to Dr. Franklin .....	
Private secretary to Mr. Adams.....	<sup>2</sup>

*Ordered*, That a letter, of the 8th, from Messrs. Govett, Geddes, and J. D. Mercier, auditors, for an augmentation of Salary, be referred to the Superintendant of Finance.<sup>3</sup>

FRIDAY, MAY 10, 1782

Congress proceeded to elect two members to receive and conduct the Minister of France to his seat at the Audience on Monday next.

<sup>1</sup> To this point, this letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 402.

<sup>2</sup> A copy of this statement of annual expence is in the *Papers of the Continental Congress*, No. 137, I, folio 443.

<sup>3</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

On this day, according to the indorsement, a letter of April 11, from the Governor of South Carolina, was read. It is in the *Papers of the Continental Congress*, No. 72, folio 558.

The members: Mr. [John] Rutledge and Mr. [Samuel] Wharton.<sup>1</sup>

WAR OFFICE, May 9th, 1782.

Sir:

I have attentively read Count Beneowsky's propositions for raising a German Corps for the service of United States of America referred to me, and the observations which have been made thereon by his Excellency General Washington in his answer to the Count, which are so full as to render further remarks at present unnecessary.

If it should be the opinion of Congress, that the powers delegated are competent to the purpose, that the money can be advanced for raising the Corps and the land asked for secured to it; that our finances will in future be so arranged as to enable us to pay with punctuality the stipulated monthly wages and those of our own Army; that the half pay for life to the Officers and Men will so comport with the ideas of the United States as that they will make full provision for the payment thereof; the easy terms on which the Legion can be obtained and the Services they would probably render are strong incitements to our accepting the propositions of the Count.

But as these are questions to be determined, and to which Congress are alone competent, and as they are the Basis on which rests the propriety or impropriety of our acceding to the offers of the Count, no opinion can I think be given on the subject till they are decided.<sup>2</sup>

#### MONDAY, MAY 13, 1782

According to order, the Hon<sup>ble</sup> the minister of France being admitted to a public audience, addressed Congress in a speech, of which the following is a translation:

GENTLEMEN OF THE CONGRESS: Since the alliance so happily concluded between the King my master and the United States, you have

<sup>1</sup> These proceedings were also entered in the manuscript Secret Journal, Foreign Affairs.

<sup>2</sup> This report, is in the *Papers of the Continental Congress*, No. 149, I, folio 345. According to the indorsement, it was read on this day, and "Tuesday next assigned." Committee Book, No. 186, shows that, on May 14, it was referred to Mr. [Abraham] Clark, Mr. [John] Rutledge and Mr. [Theodorick] Bland.

On this day, according to the indorsement, a letter of the same day from the Superintendent of Finance, inclosing a state of the American commerce, was read. It is in No. 137, I, folio 447, and is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 410.



taken too intimate a part in every event which interested his glory and happiness, not to learn with sincere joy, that Providence has granted a dauphin to the wishes of the king your ally, and to those of France. His Majesty imparts this event, gentlemen, in the letter which I am directed to have the honor of delivering.

The connexions which unite the two nations, connexions formed in justice and humanity, and strengthened by mutual interests, will be as durable as they are natural. The prince who is just born will one day be the friend and ally of the United States. He will, in his turn, support them with all his power, and while in his dominions he shall be the father and protector of his people, he will be here the supporter of your children, and the guarantee of their freedom.

The letter from his Most Christian Majesty was then delivered and read, of which the following is a translation:

VERY DEAR GREAT FRIENDS AND ALLIES: Satisfied with the interest you take in every event which affects us, we are anxious to inform you of the precious mark which Divine Providence has just given us of his goodness, and of the protection he has granted to our kingdom. We do not doubt that you will partake in the joy we feel on the birth of our son the dauphin, of whom the queen, our most dear spouse, is just now happily delivered. You will easily be convinced of the pleasure with which we shall receive every proof that you may give of your sensibility upon this occasion. We cannot renew, at a period more affecting to us, the assurance of our affection and of our constant friendship for you. Upon which we pray God that he would have you, very dear great friends and allies, in his holy keeping.

Written at Versailles, the 22 of October, 1781.

Your good friend and ally,	(Signed)	LOUIS.
(Underneath,)	GRAVIER DE VERGENNES.	

The President then addressed the minister as follows:

SIR: The repeated instances of friendship which the United States of America have received from his Most Christian Majesty, give him too just a title to their affections to permit them to be indifferent to any event which interests his happiness. Be assured, sir, that Congress learn with the most lively satisfaction, that it has pleased the Divine Giver of all good gifts, to bless their august ally with an heir to his throne. Our earnest prayer is, that he may with it inherit the virtues which have acquired to his Majesty so much glory, and

to his dominions so much prosperity, and which will be the means of cementing and strengthening the union so happily established between the two nations; an union the mutual advantages of which become daily more conspicuous, and which has derived new lustre and additional force from every effort of the common enemy to dissolve it. Congress do not enlarge upon this subject, but satisfy themselves with the representations which your own observations will enable you, and your regard to the interests of both countries will induce you to make of the affectionate attachment which every rank of people within these states manifest to your sovereign, and of their inviolable fidelity to the principles of the alliance.<sup>1</sup>

## TUESDAY, MAY 14, 1782

A letter, of the 10, from the Commander in Chief, was read, enclosing a copy of a letter to him from Sir Guy Carleton, dated Headquarters, New York, 7 May, 1782; wherein he expresses a desire to receive a passport for the passage of Mr. Morgan to Philadelphia, for the purpose of carrying a letter of compliment to Congress; Whereupon,<sup>2</sup>

On motion of Mr. [John] Rutledge, seconded by Mr. [Edward] Telfair,

*Resolved*, That the Commander in Chief be, and hereby is, directed to refuse the request of Sir Guy Carleton, of a passport for Mr. Morgan to bring despatches to Philadelphia.

The Superintendent of Finance ~~as Agent of Marine~~ having pursuant to the order of the 4 of this month reported a State of the commerce of these United States and a plan for the protection thereof,

On motion of Mr. [James] Madison, seconded by Mr. [William] Ellery,

*Resolved*, That the Secretary for Foreign Affairs be and he is hereby directed to transmit the State of Commerce and

<sup>1</sup> The proceedings of this day were also entered in the manuscript Secret Journal, Foreign Affairs.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, X, folio 525, and a copy of Carleton's letter on folio 559. Washington's letter is printed in the *Writings of Washington* (Ford), X, 9.

plan for its protection, reported by the Superintendant of Finance, to the Minister Plenipotentiary of the United States at the Court of Versailles, to be by him communicated to that Court with an application for its concurrence in the said plan.<sup>1</sup>

The plan reported by the Superintendant is as follows:

In forming a state of the American commerce it will be proper rather to consider what it might be than what it is; and to confine the idea of what it might be to the state of war, rather than go into the extent which a state of peace would permit. And to render this subject as clear as possible, it will be proper to divide the trade into three different heads, as carried on from the eastern, middle, and southern states; which may, as to each district, be farther divided into the European and West India trade. To these may also be added, the circuitous or carrying trade. Which last must nevertheless be confined principally, if not altogether, to the eastern states.

The principal seaports of the southern states being at present in possession of the enemy, the following observations occur:—If the enemy continues that possession, very little if any commerce can be carried on. If the possession of those ports is recovered to the United States, the same measures which are taken for the protection of the commerce under present circumstances will apply equally to those states, and with greater security to all the states; because the enemy would have fewer ports from whence to fit out their cruisers. And if the rice and indigo of the southern states can be carried to Europe and the West Indies,

<sup>1</sup> This resolution was also entered in the manuscript Secret Journal, Foreign Affairs. The plan was entered only in the Secret Journal.

those valuable articles will form additional inducements for protecting the American commerce.

The middle states might export to Europe, tobacco, tar, and in cases of great scarcity, wheat and flour. To the West Indies, they might export pork, beef, bread, flour, lumber, iron and tar.

The eastern states might export to Europe, masts, spars, ship timber, staves, boards, fish and oil. To the West Indies they might export lumber, pork, beef, cattle, horses, cider, and some smaller articles. In a circuitous commerce they would bring some of these articles to the Chesapeake, and take a freight of tobacco for Europe; or else take sugars from the islands to Europe, and return with European commodities of the bulkier kind, such as salt, wine, brandy, fruit, &c.

Of all this commerce there exists, at present, but little more than that of provisions to the West Indies, and tobacco to Europe. Why it is so curtailed, and why it might be extended to the objects abovementioned, will appear from considering the annexed estimates of what the tobacco trade now is without convoy, as in No. 1; and what it would be with convoy, as in No. 2. From the former it is evident, that the carriage of tobacco to Europe is a losing game, and could not be supported if the cargoes of goods brought out (and for which bills of exchange are remitted) did not, by the freight, compensate for the loss sustained on the outward bound cargoes. From the latter it appears, that goods from France might, if the ships were convoyed, be afforded much cheaper in America, and tobacco from America much cheaper in France. The consequences resulting from hence may be considered in a threefold point of view, as relating to each country separately, and to both conjointly. To America, or rather to the planters of America, would arise the

advantage of selling this article for more money than at present; of getting the quantity of European goods necessary for their consumption for less money than at present, and consequently, of having a clear balance remaining, which, drawn forth by taxation, would yield revenue to government. The people being thus relieved from the immediate distresses of war, and finding their condition ameliorated, would be more disposed to prosecute it with vigour. Their industry being better rewarded, would be increased. The produce of the country would be greater, and by that means an addition would be made to the aggregate stock of national wealth. France would be benefited by receiving tobacco at a cheaper rate; by the revenue arising from it; by a greater consumption of her manufactures, which would follow from the increased convenience and cheapness of transporting them hither; and by securing the exclusive trade in that article at least during the war. The mutual advantage of the two countries would be, an increase of friendship, intercourse, and commerce, and a greater knowledge of each other's manners, and consequently the means of adapting the wares and produce of the one to the wants and desires of the other. To these may be added a firm establishment of their commercial principles during the war, so as take away the necessity of seeking for connexions of trade with other countries after a peace shall have been concluded; and that the enemy will be deprived of those advantages they now enjoy from making numerous captures, and thereby possessing themselves of tobacco sufficient for their purposes.

Those observations which are above confined to the tobacco trade, will apply to every other kind of commerce in greater or lesser degrees, and consequently those articles which cannot now be exported might

then be brought to market. At present the enemy, by distressing the American commerce, derive two great benefits to themselves. They not only obtain considerable resources, but they are enabled to carry on a valuable contraband commerce. The history of human affairs demonstrates the inefficacy of penal laws to prevent such a commerce when the temptation is great; and therefore, although the dispositions of the several legislatures cannot be questioned, yet as long as the enemy can vend their goods from New York, Charlestown, and Halifax, cheaper than the fair trader can import them, that contraband will subsist.

The commerce of America consists of bulky articles. If the vessels employed in it be armed, they will require a great number of seamen; if unarmed, the number of seamen will be smaller, and the surplus might be usefully employed in ships of war.

Tobacco cannot be more important to the commerce and revenue of the United States, their friends and allies, than lumber, tar and provisions would be to the naval and military operations. Wood for masts, spars and ship building, with every other kind of naval stores, must be of consequence in Europe during such extensive and important maritime efforts. And it would also seem that the securing provisions for the islands would greatly facilitate the measures to be pursued in that quarter. The local situation of the United States renders them of more importance than almost any other circumstance. To obviate the effects of that situation is a principal object of the enemy's policy, now that they have been compelled to abandon the idea of conquest. They are fully sensible of the effects of that situation. Having found by experience in the last war, that the islands in the West Indies are much dependent on the friendship or enmity of America, they



have considered the holding of posts in the United States as a kind of out work to their other possessions. Their avowed design at present is, to annihilate the American commerce. And, on the other hand, there can be but little doubt, that if advantage is made of those circumstances, whose effects they apprehend and guard against, the British islands must fall. But the importance of the American commerce, great as it is, will appear still greater when compared with the cheap and easy means of affording it protection. To judge of them it must be considered, that the danger of capture is always greatest near to the ports. When once a fleet are at some considerable distance from the place of their departure, and before they arrive near to the place of their destination, forty or fifty sail might safely be intrusted to four frigates. The large fleets which are kept on the European and West India seas oblige the enemy to keep their naval force collected, so that the same number of frigates would sufficiently protect a convoy in those seas, with that which would secure them in the middle of the ocean, unless under very peculiar circumstances of ill fortune. But on the coast of North America the case is different. By keeping one or two ships of the line with a number of frigates on that coast, the enemy have a decided superiority. It is nevertheless conceived, that the commerce of America would be well protected by so small a force as two ships of the line and ten frigates. For this purpose it would be proper that two very fast sailing ships of the line and two large fast sailing frigates (all sheathed with copper) should be stationed in the Chesapeake, and cruise as occasion might require. If the enemy had not a superiour force they would be obliged to keep in port, and their convoys would be exposed to misfortunes which might be even fatal to them. If they had

a superiour force, still they would be obliged to keep that force collected, in which case they would do but little injury to the commerce. But when collected, it must either be in port, or cruising. If in port, it would answer no other purpose but to watch the arrival of their fleets. If it were cruising, it might be crushed by a seasonable detachment made from the islands for that purpose. These advantages follow necessarily from being on a friendly coast; because, to the French ships, every harbour would be a protection; but the English have only one harbour (New York) which a ship of the line can enter.

If the enemy keep a naval superiority in America, it must be done at a very great disproportion of expence, which is a clear advantage to the allies, by distressing the finances of the common enemy. If the four French ships abovementioned were very fast sailing vessels (which is a necessary part of the plan) they could always avoid danger on the one hand, and on the other might do very serious injury to the enemy. The remaining eight frigates should be divided into two small squadrons of four each. The first squadron should sail from Brest, and make a short tarry at L'Orient; from thence proceed with the American trade to Nantz; take the trade there, and proceed to the Chesapeake. Upon their arrival, they (as well as the ships stationed in the Bay) should obey the orders of the minister of France; because he would always be possessed of proper intelligence as to the enemy's situation, and be informed of the peculiar circumstances which the varying state of things might give rise to, and which must influence every plan in a greater or lesser degree. The second squadron should leave Brest about three months after the first, and pursue the same route. The trade having arrived off the Chesapeake, the convoy might, generally speaking,

go from thence to the mouth of the Delaware, and thence to Boston. When the southern states are repossessed, the same route may be pursued, and the trade of those states detached, when near to the coast, under one or two frigates which could go with it, and from thence to the Chesapeake; the place of such frigates being supplied in the mean time, if necessary, by those in the Chesapeake. The trade bound from the middle and southern parts of America for Europe might be convoyed by the whole force to Boston Bay, and being there joined, according to arrangements previously taken for that purpose, by the trade of the eastern states, might be convoyed off the coast, and then intrusted to four frigates, as before, bound for Nantz, and thence to L'Orient; after which the frigates might return to Brest. The whole voyage would certainly be completed in five months at the furthest; and consequently the two squadrons would give a quarterly protection to the trade which would be sufficient.

It is to be hoped, that if the war continues much longer, the United States will be able to provide the necessary force for themselves, which at present they are not. Though if the above arrangements take place, they might even now provide for the trade from America to the West Indies.

It has above been mentioned, that under particular circumstances, detachments should be made from the West Indies. The situation of things at present will show the importance of that measure. If two ships of the line and two frigates should now arrive on the coast, they would clear it of all enemies, and probably take many ships, which might immediately be manned by exchanging the crews for American seamen in captivity. They would thereby become an instant reinforcement to the party by which they were taken. It has also been

mentioned that the provisions of America would form a useful support to the military operations in the islands. An acquaintance with such operations renders the position too clear to admit the shadow of doubt. If things were placed on the footing above described, provisions could be delivered to the islands much cheaper and better than they can be drawn from Europe, saving thereby much expence and much risk. But this is not all; provisions and naval stores for the use of the king might always be prepared in season, and laden, ready to be convoyed back to the islands, by the same force sent from thence to effect the purposes of a temporary superiority on the American coast, so that the same means would apply to protecting commerce, and to promoting the success of military enterprises.

Estimates formed upon the present state of the Tobacco Trade, and what it would be, if properly convoyed and protected.

## ESTIMATE, NO. 1.

A vessel on the present construction to carry 120 hhds. of tobacco will cost.....	\$18,000	
120 hhds. of tobacco at \$30 each.....	3,600	
	<hr/>	\$21,600
This tobacco sold in France may be supposed to net 600 livres per hhd.....	72,000	

## PORT CHARGES.

Master.....	\$3,600
Mate.....	960

## PETTY OFFICERS.

3 at 480 each.....	1,440
Crew, 30 at 240 each.....	7,200
Expence of vessel.....	10,000
	<hr/>
	23,200

Livres..... 48,800

The vessel arriving safe, every livre which had been invested in goods would sell for  $\frac{3}{8}$ ths of a dollar: Wherefore, 48,800 livres at  $\frac{3}{8}$ ths of a dollar each, are..... 19,520

From this deduct as follows:

Prime cost of tobacco.....	\$3, 600	
To insure \$21,600 at 40 per cent. which is the lowest insurance on the whole voyage, out and home, so as to cover insurance and charges, you must insure on $37,565\frac{5}{23}$ at 40 per cent.....		15, 026 $\frac{2}{23}$
Insurance at 40 per cent. supposes two vessels out of five to be taken, wherefore to the original cost of 21,600 add $\frac{3}{4}$ ths, or 8,640, total, 30,240, on which take 6 months interest at 6 per cent.....	907	
		<u>\$19, 533<math>\frac{2}{23}</math></u>

The loss on this voyage, over and above the labour of the merchant, is therefore \$13. And the commerce is only supported by the freight of goods from France. Many merchants are not concerned in ships, but buy bills of exchange, which they remit, and order goods to be purchased and laden in the ships of others, which goods pay a considerable freight.

Proof of calculation on insurance. From.....	\$37, 565 $\frac{5}{23}$	
Deduct $2\frac{1}{2}$ per cent. including brokerage.....	939 $\frac{3}{23}$	
		<u>36, 626<math>\frac{2}{23}</math></u>
Deduct 40 per cent. premium on $37,565\frac{5}{23}$ as above.....		15, 026 $\frac{2}{23}$
Remains the original sum.....		<u>21, 600</u>

#### ESTIMATE, NO. 2.

A large merchant vessel to carry 300 hhds. will cost. ....	\$12, 000	
300 hhds. of tobacco at 40 dollars.....	12, 000	
		<u>24, 000</u>
Suppose this sold in France at 300 livres pr. hhd.....	90, 000	

#### PORT CHARGES.

Master.....	\$1, 800
Mate.....	480

#### PETTY OFFICERS.

3 at 240.....	720
Crew, 10 at 120.....	1, 200
Expences of the vessel.....	8, 000
	<u>12, 200</u>
	77, 800

This vessel arriving safe, every livre which had been invested in goods would sell for  $\frac{3}{4}$ ths of a dollar: Wherefore 77,800 livres at  $\frac{3}{4}$ ths of a dollar per livre, are..... 20, 746

From this deduct as follows:		
Prime cost of tobacco as above.....	\$12,000	
To insure 24,000 dollars at 15 per cent. so as to cover insurance and charges, you must insure on 29,090 $\frac{1}{11}$ which at 15 per cent. is.....	4,338 $\frac{7}{11}$	
Insurance being at 15 per cent. supposes 3 out of 20 taken: Wherefore to original advance 24,000, add $\frac{3}{20}$ ths, 3,600—total 27,600, on which 6 months interest at 6 per cent..	828	\$17,166 $\frac{7}{11}$
		<hr/> 2,579 $\frac{4}{11}$
The profit of this voyage is therefore above 10 per cent.		
Proof of calculation on insurance. From.....	29,090 $\frac{1}{11}$	
Deduct 2 $\frac{1}{2}$ per cent. including brokerage.....	727 $\frac{3}{11}$	
		<hr/> 28,363 $\frac{7}{11}$
Deduct 15 per cent. premium on 29,090 $\frac{1}{11}$ as above.....	4,363 $\frac{7}{11}$	
		<hr/> 24,000
Remains the original sum.....	24,000	

## OBSERVATIONS ON THE ESTIMATES.

In the first estimate, the cost of the vessel, in proportion to her burden, is great, because of her being built for sailing, and encumbered with guns, ammunition, and the provisions and water for a number of men. But further, such a vessel costs more now than formerly, because many of the articles are brought from abroad, and because the number of vessels required for the commerce, and by reason of the captures, has enhanced the value of that manufacture.

In the first estimate, the port charges, as to the master and hands, are double to what they are in the second, because the risk of capture is now so great that very extraordinary encouragement must be given to prevail on them to expose themselves to it.

In the first estimate, the expences of the vessel in port are, in a very large proportion, greater than in the second, because of the greater number of men to be subsisted, ammunition to be bought, &c.



From comparing these estimates we find,	
That by the first, 40 hhds. of tobacco are sold by the American planter for 1200 dollars; and for 1200 dollars he gets goods which cost.....	l. 3,000
That by the second, 40 hhds. of tobacco are sold by the American planter for 1600 dollars; and for 1600 dollars he gets goods which cost.....	6,000
Difference $\frac{1}{2}$ .....	Livres 3,000
That by the first, the Frenchman for 3,000 livres gets of tobacco, at 600 l.....	5 hhds.
That by the second, the Frenchman for 3,000 livres gets of tobacco, at 300 l.....	10 hhds.
Difference $\frac{1}{2}$ .....	5

Thus the consumer in each country gets for the same quantity of his produce, double the quantity of the produce of the other country; and yet a profit is left to the merchant.

In the first case, 30 seamen are necessary to 120 hhds. of tobacco—4 hhds. to 1 man. In the second case, 10 seamen are necessary to 300 hhds. of tobacco—30 hhds. to 1 man.<sup>1</sup>

*Ordered*, That so much of Mr. Parsons' letters as relate to his accounts be referred to the Superintendent of finance, and so much of ditto as relates to the appointment of an agent at Martinique be referred to the Superintendent of finance as Agent of Marine.<sup>2</sup>

[WEDNESDAY, MAY 15, 1782.]

The Committee [Mr. Elias Boudinot, Mr. Samuel John Atlee and Mr. John Rutledge] to whom was referred the letter of the Commander in Chief to the Secretary of War of the 27<sup>th</sup> April last, do report,

That it hath appeared to your Committee on a conference with the Superintendent of Finance and the Secretary of War,

That the enemy have ever since the commencement of the present war, exercised the greatest cruelty on American Citizens (who have by the fortune of war, fell into their power) with an apparent design of forcing them into their service. That accordingly a large pro-

<sup>1</sup> This plan is in the *Papers of the Continental Congress*, No. 137, I, folios 451-459.

<sup>2</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

portion of them have been actually enlisted and reduced to the necessity of fighting against their Brethren and fellow citizens. That our seamen are at this time, daily forced to enter on board of the ships of war belonging to the enemy to avoid the most cruel and lingering death.

That a considerable number of the German Prisoners now under the power of these States, have expressed an earnest desire to be permitted either to enlist into our service or to become citizens of these States by hiring themselves out to the Inhabitants for a temporary service.

That the Commander in Chief has for several years made trial of the fidelity of some of the German prisoners, who were formed into a separate Corps, and highly approves their past conduct.

That in the opinion of your Committee, the carrying into execution the proposition of the Commander in Chief as contained in the letter referred to your Committee with regard to these prisoners, would at present be highly beneficial to the service of these United States, wherefore your Committee do recommend the following Resolutions for the consideration of Congress.

That the Secretary of War do immediately take order for enlisting for the term of three years, as many of the German Prisoners of war, now under his care, as will voluntarily agree thereto, and that on account of these United States.

That when enlisted they be forwarded without delay, to Head Quarters to be disposed of as the Commander in Chief shall direct; provided allways that the bounty to be given to each person so enlisted shall not exceed one half Johannes of the value of three pounds over and above the quantity of one hundred acres of land, which the Secretary is hereby authorised and directed to assure to each recruit by a proper instrument under his hand and seal to be delivered him for that purpose, to take effect on their fulfilling the said term of service.

That Congress do pledge the faith of the United States for making good to such recruit the bounty of 100 acres of land agreeably to the aforementioned resolve—

That the Secretary of War confer with the Superintendant of Finance hereupon. That the Superintendant of Finance and Secretary of War take order for permitting any of the said German prisoners of war, who shall voluntarily desire the same, to become free citizens of these States, under such restrictions and on such terms as they in their discretion shall think advantageous to the United States,

provided that they do not act contrary to the Laws of any State in which such prisoners may become free Citizens.<sup>1</sup>

Committee of the Week, [Mr. Richard Law, Mr. William Floyd, Mr. George Partridge] report,

That the application of John Glen, contractor under Colonel Flowers, Commissary General of Military Stores, praying that some speedy steps might be taken to bring said Commissary to a settlement and liquidation of his Accounts &c. be referred to the Superintendent of Finance.

That the petition of Cap<sup>t</sup> Provost in the service of the United States now a prisoner on parole taken at the surrender of Charlestown praying for pay &c be referred to the ~~Financier~~ Secretary at War to take such order thereon as has been done relative to others in the like situation.

On the memorial of Jesse Raymond the Com<sup>tee</sup> report the following resolution:

~~Resolved~~ That the resolution or act of Congress of the 10<sup>th</sup> of May 1780 respecting loan office certificate destroyed through accident be extended to loan office certificates which have been or shall be plundered, taken or destroyed by the enemy.<sup>2</sup>

*Ordered*, That a petition from Jesse Raymond respecting loan office certificates taken by the enemy, and ditto from John Glen for a speedy settlement of the accounts of the late Commissary of Military Stores, be referred to the Superintendent of Finance.<sup>3</sup>

#### THURSDAY, MAY 16, 1782

On a report from the Secretary at War,

WAR OFFICE May 15<sup>th</sup>, 1782.

SIR,

The office of Purveyor is vacant in the Southern Department. I wish Congress would come to the choice of some person to fill it.

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 28, folio 71. The indorsement shows that it was considered on this day and referred with amendments to Mr. [John Morin] Scott, Mr. [James] Madison and Mr. [John] Rutledge.

<sup>2</sup> This report, in the writing of Richard Law, is in the *Papers of the Continental Congress*, No. 32, folio 353. The indorsement shows that it was acted on this day.

<sup>3</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

Should a Surgeon now there be elected it will be requisite to replace him by sending on another, in doing which no time should be lost as the sickly season is fast approaching, when the services of every Surgeon will probably be required.<sup>1</sup>

*Resolved*, That a purveyor be appointed for the southern army, and that Thursday next be assigned for the election.

WAR OFFICE May 8<sup>th</sup> 1782.

SIR,

His Excellency General Washington has represented the evils which will arise from the want of a Deputy Paymaster at Camp, should none be sent. His observations I think are just and the measure necessary.

I beg leave to submit to the consideration of Congress the propriety of passing the following resolve,

*Resolved*, That the paymaster general be, and he is hereby, authorised to appoint a deputy paymaster to reside with the main army.<sup>2</sup>

The Committee of the Week [Mr. Richard Law, Mr. William Floyd, Mr. George Partridge] report,

That the petition of Hannah Sweers, praying that the lands and other property taken from her husband by order of the Board of War, to indemnify the United States may be sold and that he may be discharged from his bonds be referred to the Secretary at War ~~to take order~~

That the memorial of Nicholas Reib of the Corps of Artificers relative to his pay lie on the table.<sup>3</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 351.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 341. It was referred to Mr. [Ezekiel] Cornell, Mr. [Joseph] Montgomery, Mr. [Philemon] Dickinson to report the pay of the deputy paymaster according to the indorsement.

<sup>3</sup> This report, in the writing of George Partridge is in the *Papers of the Continental Congress*, No. 149, I, folio 349. It is undated, but Nicholas Reib's memorial, dated May 15, is in No. 41, VIII, folio 318, and, according to the indorsement, was read May 16, and ordered to lie on the table.

A letter of the same day, from George Bond, Deputy Secretary, was read. It was referred to Mr. [Ezekiel] Cornell, Mr. [John Morin] Scott, Mr. [Philemon] Dickinson, "to confer with the Superintendent of Finance and report the salaries of the civil list." It is in No. 78, IV, folio 303.

MONDAY, MAY 20, 1782

Mr. John Lowell, a delegate for the State of Massachusetts, attended and produced credentials, dated in council, May 7th, by which it appears that the Hon. James Sullivan and the said J[ohn] Lowell, esqrs. were chosen in the room of the Hon. S. Adams and A. Ward, esqrs. resigned.

Commonwealth of Mass<sup>ts</sup>.

COUNCIL CHAMBER *Boston May 7. 1782*

This may certify that the Hon'ble Samuel Adams Esq. and the Hon'ble Artemas Ward Esq. Delegates of this Commonwealth at the Hon'ble Continental Congress have resigned that Office, and the Hon'ble James Sullivan and John Lowell Esq<sup>rs</sup>. are chosen in their Stead.

JOHN AVERY *Secretary*.<sup>1</sup>

*Ordered*, That Mr. [George] Partridge have leave of absence.<sup>2</sup>

The Secretary for foreign affairs having reported the draft of a letter to his Most Christian Majesty, in answer to his of the 22d Oct. 1781, which announced the birth of a Dauphin, the same was agreed to as follows:

The United States in Congress assembled, to their great, faithful friend and ally, Lewis the sixteenth, king of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

Among the many instances that divine Providence has given us of his favour, we number the blessings he has bestowed on your Majesty's family and kingdom. Nothing was wanting to the happiness of the first, but a son to wear the honours which the father had earned; or, to the prosperity of the latter, but the prospect of

<sup>1</sup> The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

<sup>2</sup> From this point to the end of the day, the proceedings were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal, No. 4. A copy is in Secret Journal, No. 6, vol. III.

seeing the crown transmitted to an heir, who would find, in the example of his parent, a powerful incitement to promote the happiness of his people. This example, we presume to hope, will also influence his future conduct towards these United States. When, in the history of the present day, he shall read your Majesty's generous interference in their behalf, their firm and affectionate attachment, and the blessings with which both were crowned, he will be studious to preserve to his kingdom and these states the reciprocal advantages of the alliance which your Majesty has formed, and to emulate his ancestor in adding to his titles the glorious appellation of Protector of the rights of Mankind.

We receive with the most lively pleasure your Majesty's renewed professions of friendship. You will easily believe, that the attachment which we have so often and so truly professed for your Majesty, could suffer no diminution, when every day afforded us new instances of your magnanimity, and of your affectionate interference in our behalf.

We pray God, great, faithful and beloved friend and ally, always to keep you in His holy protection.

Done at Philadelphia, the 20th day of May, 1782,  
and in the 6th year of our Independence. By the  
United States in Congress assembled. Your Majesty's faithful friends and allies.<sup>1</sup>

[Motion of Mr Madison referred to Mr James Madison Mr Jesse Root Mr John Lowell Mr John Rutledge Mr George Clymer. to confer with the Superintendant of Finance.]

*Whereupon, Resolved*, That the Superintendant of Finance be instructed to transmit to the Several Legislatures of the States, a representation of the alarming prospects which their neglect to comply with the pecuniary requisitions of Congress has produced, and

<sup>1</sup> This letter was printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), V, 428.



of the absolute necessity of immediate and adequate remittances to the Treasury of the United States; and that he make use of such mode of transmitting the same as will best ensure secrecy and dispatch.<sup>1</sup>

*Ordered*, That a letter of 6th from Governor Hancock, and accounts for the maintenance and education of General Warren's children, be referred to the Superintendant of Finance.

*Ordered*, That such part of the letter of 11th January, 1782, from the Assembly of Georgia as respects the settlement of public accounts be referred to the Superintendant of finance.

*Ordered*, That a judgment of the court against C. Sweers and petition of Hannah Sweers be referred to the Superintendant of finance, to cause the judgment to be prosecuted to effect, and if anything remains after defraying the debts and costs to cause the same to be paid to C. Sweers or order.<sup>2</sup>

## TUESDAY, MAY 21, 1782

On the report of a committee, consisting of Mr. [William] Ellery, Mr. [George] Clymer, Mr. [Elias] Boudinot, to whom was referred a letter of the 24 April, from the governor of Connecticut:

The Committee to whom two letters from Governor Trumbull, one directed to the President and the other to the Secretary of Congress, and both dated April 24th, 1782, were referred, report,

*Resolved*, That the executives of the several states be, and they are hereby authorised, on information of illegal intercourse, which hath taken place or shall take place between the captains of any private armed vessels belonging to these

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 47, folio 339. It was made in response to a letter of 17 May from the Superintendent of finance. The Superintendent's letter is in No. 137, I, folio 463.

<sup>2</sup> These three orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

Governor Hancock's letter, of May 6, is in the *Papers of the Continental Congress*, No. 65, II, folio 163, and was referred: "so much as relates to an allowance for expences while president of Congress," to Mr. [John] Rutledge, Mr. [George] Clymer, Mr. [Jesse] Root. Committee book No. 186 shows that on June 3 another committee was named: Mr. [William] Ellery, Mr. [Philemon] Dickinson, Mr. [Arthur] Middleton; and on June 13 Mr. [Ezekiel] Cornell was added to the committee, in the place of Mr. Ellery. See *post* June 20.

states and the enemy, or of any other mal-conduct, to suspend the commission of such captains until the executive shall have examined into the offence; and if upon enquiry it shall appear that the information was well founded, they are requested to report their proceedings to the United States in Congress assembled, and in this case the commission shall stand suspended until Congress shall have taken order thereon.

~~That it be recommended to the Governors or Presidents of the respective states to whom commissions for private armed vessels shall be issued not to grant commissions but to citizens of their several states, and that each commission be endorsed by the Governor or President by whose command it shall be issued and countersigned by the Secretary of the State, and that no commission issued after the first Monday in July next be valid unless so signed and countersigned.~~<sup>1</sup>

On motion, and at the desire of the delegates of Georgia:

*Resolved*, That it be minuted on the Journal, that on their motion such part of the letter of the 11 January, 1782, from the assembly of Georgia, as respects the settlement of public accounts, was yesterday referred to the Superintendent of finance.

Mr. [John Morin] Scott, a delegate for the State of New York, delivered at the table two papers which he desired to have read; and the same being read, a motion was made by Mr. [John Morin] Scott, seconded by Mr. [Arthur] Middleton, in the following words:

“That the two papers which have been this day read in Congress, purporting to be certified by Robert Harpur, deputy secretary of the State of New York, as true copies of two certain original acts of the legislature of the said State lodged in the secretary’s office of the said State: the one in the words and figures following, to wit,

<sup>1</sup> This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 20, I, folio 335.

"AN ACT FOR PARDONING CERTAIN OFFENCES COMMITTED IN THE NORTH-EASTERN PARTS OF THIS STATE. PASSED THE 14TH APRIL, 1782.

"Whereas divers inhabitants residing in the north-eastern parts of this State, who have heretofore denied the sovereignty and jurisdiction of the people of this State in and over that part of this State, and by their unwarrantable combinations, created commotions, to the great disturbance of the peace and tranquillity of this State, have by their humble petition to the legislature of this State, represented that they were seduced and misled by artful and designing men, from their duty and allegiance to this State: and have moreover professed a sincere repentance of their crimes and misdemeanors, and implored the clemency of government, and humbly entreated the passing of an act of indemnity, oblivion and pardon: and this legislature being disposed to extend mercy:

"Be it therefore enacted by the people of the State of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that all such of the inhabitants of this State, who dwell and reside north of the north bounds of the State of Massachusetts continued to Hudson's river, east of Hudson's river, south of the latitude forty-five degrees north, and west of Connecticut river, are hereby acquitted, pardoned, released and discharged from all treasons, felonies and conspiracies whatsoever, at any time heretofore done and committed by them or any of them, against the people of the State of New York as sovereign thereof, or against the government and authority derived from or established by the said people; all capital, corporal or pecuniary punishment, fines and forfeitures, judgments and executions, to which they severally were liable in consequence of the crimes and offences aforesaid, are hereby remitted and discharged; and all and every the said persons shall be, and hereby are fully and wholly restored in person and estate, [to the same state and condition wherein they severally were at any time before the said crimes and offences were committed or perpetrated.

"And be it further enacted by the authority aforesaid, that no persons or persons whatsoever shall have the benefit of the said pardon, for the purpose of pleading the same against any charge of treason or other offence already found, or hereafter to be found, against them or any of them, for adhering to the king of Great Britain, the enemy of this State,]<sup>1</sup> or for any murder; or that such

<sup>1</sup> The part in brackets was entered in the Journal by George Bond.

pardon shall be a bar to a conviction, judgment or execution for the said treason or other offence last mentioned, or for murder as aforesaid."

And the other of the said papers in the words and figures following, to wit,

"AN ACT FOR QUIETING THE MINDS OF THE INHABITANTS IN THE NORTH-EASTERN PARTS OF THIS STATE. Passed 14th April, 1782.

"Be it enacted by the people of the State of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, that all charters, patents or grants for lands within this State, lying within the following bounds, to wit, beginning at a certain point in the west bank of Connecticut river, where the boundary line between the states of Massachusetts and New Hampshire, if continued across the said river, would intersect the said west bank, and running from the said point along the west bank of Connecticut river to the latitude of forty-five degrees north, thence westerly in the said latitude to the west side of Missisqua Bay, in Lake Champlain, thence westerly in the said latitude to the east bank of the waters of the said lake, thence southerly along the east bank of the said lake and the waters thereof, to the most southerly point where any of the grants heretofore issued or made by the late government of the late colony of New Hampshire come to the said lake, thence along the south and west bounds of the said grants, or as the said grants are now held or possessed under such grants, so far south as to meet with a line continued from the first mentioned boundary, between the states of Massachusetts and New Hampshire, through the said place or point of beginning, thence easterly by the said continued line as aforesaid to the said place or point of beginning, made or issued by the government of the late colony now State of New Hampshire, and which were made or issued prior to any charter, patent or grant for the same lands, heretofore made or issued by the government of the late colony now State of New York, or by the government of any other colony, shall be, and hereby are ratified and confirmed to the respective grantees, their heirs and assigns forever; and every such prior charter, patent or grant is hereby declared to be as legal and valid, to all intents, constructions and purposes whatsoever, as if the same had been made or issued under the great seal of the said late colony of New York, or had been made or issued under the great seal of this State, and as such may be given and shall be allowed in

evidence in every court of record within this State: and no such charter, patent or grant hereby ratified and confirmed as aforesaid, shall be deemed void, or in any wise injured, by reason of the non-performance of any condition or proviso therein contained, or by reason of the non-payment of any quit-rent therein reserved, any law, usage or custom to the contrary thereof notwithstanding: provided always, that any person or persons who heretofore held or claimed lands under grants from the late colony of New Hampshire, who have afterwards obtained grants for the same lands, either to themselves or to others in trust for them, under the late colony of New York, operating as a confirmation thereof, in such case or cases such person or persons, or their assignees, shall be deemed forever hereafter to hold the said lands by the latter title.

“And whereas, many of the inhabitants residing within the district of country above described, did, in or about the year one thousand seven hundred and seventy-seven, declare themselves an independent people, and did assume a government under the name, stile or title of the government of the State of Vermont, or of the State of Vermont, and the said assumed government hath made grants of lands within the said territory:

“Be it further enacted by the authority aforesaid, that all charters, patents or grants of lands so made or issued before the passing of this act, and which were made or issued prior to any charter, patent or grant for the same lands heretofore made or issued by the government of the late colony of New York, shall be, and hereby are ratified and confirmed to the respective grantees, their heirs and assigns for ever; and such charters, patents or grants are hereby declared to be as legal and valid to all intents, constructions and purposes whatsoever, as if the same had been made or issued by the government of this State, and as such may be given and shall be allowed in evidence in any court of record within this State; and no such charter, patent or grant so ratified and confirmed as last aforesaid, shall be deemed void or in any wise injured by reason of the non-performance of any condition or proviso therein contained, or by reason of the non-payment of any quit-rent therein reserved, any law, usage, or custom to the contrary notwithstanding.

“And be it further enacted by the authority aforesaid, that all persons now actually occupying, possessing and improving lands within the said district of country, or who did at any time before the passing of this act, actually occupy, possess and improve lands therein, not heretofore granted by any late colony, shall be, and they and their



legal representatives respectively are hereby confirmed in such their respective possessions and improvements, and shall have and receive patents therefor from the government of this State, without paying for such patent any fee or reward, the expence of surveying such lands excepted: provided that no such patent as last aforesaid shall issue for more than the quantity of five hundred acres of land, and where such occupant, possessor or improver, or legal representatives, shall not have possessed the said quantity of five hundred acres of land, he or she shall respectively be allowed and granted such additional quantity of land, out of any vacant unappropriated lands, lying contiguous to such possession, as shall be equal to the deficiency.

“And whereas, it is the intention of the legislature, that such parts of this act as relate to quieting or confirming titles and possessions within the district of country as aforesaid, should not take effect, and that the inhabitants residing within the said district of country should not have the benefits thereby intended, unless they should agree to renounce the said assumed government and return to their allegiance to the government of this State:

“Be it therefore further enacted by the authority aforesaid, that upon application of commissioners or agents authorised and appointed by the inhabitants residing in the said district of country, or by the inhabitants of any town or towns, or district or districts therein, to the person administering the government of this State for the time being, touching or concerning the ratifying, confirming and quieting any titles to or possessions of lands within the district aforesaid, in cases not provided for by this act, and of and concerning the mode, manner, terms and conditions agreeable to and on which the inhabitants within the district of country aforesaid, shall agree to renounce the said assumed government, and acknowledge allegiance to the government of this State, it shall and may be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to appoint and commissionate, under the great seal of this State, three commissioners, to meet, confer and agree with such commissioners or agents authorised and appointed by the said inhabitants of the said district of country, or by the inhabitants of any town or towns, or district or districts therein, on all and singular the matters and things above-mentioned, and all compacts, agreements and acts entered into, made or done by the said commissioners to be appointed on behalf of this State, or any two of them, of or concerning the



premises, shall be finally conclusive and binding on the government of this State: provided nevertheless, that nothing in this act contained shall be construed to authorise the said commissioners to agree to cede or relinquish the jurisdiction of this State over the district of country aforesaid, or any part thereof, to any people, assemblies of people, or person or persons whatsoever, or to consent or agree that any part of the constitution of this State shall be altered or changed.

"And be it further enacted by the authority aforesaid, that nothing in this act contained shall be deemed, construed or taken to restore any person or persons, or his or their heirs, to his or their estate within the said district of country, who now stand attainted by the government of this State for adherence to the king of Great Britain, or whose estate or estates have or shall become confiscate for such adherence by virtue of any law of this State;"

Be committed to a special committee to report thereon:<sup>1</sup>

And on the question for commitment, the yeas and nays being required by Mr. [John Morin] Scott,

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	no	} no	Mr. Hanson,	no	} no
Lowell,	no		Wright,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Madison,	ay	} div.
Cornell,	no		Bland,	no	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Root,	no	} *	Mr. Rutledge,	ay	} ay
<i>New York,</i>			Ramsay,	ay	
Mr. Scott,	ay	} *	Middleton,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	no	} ay	Mr. Telfair,	ay	} ay
Smith,	ay		Jones,	ay	
Clymer,	ay		Few,	no	
Atlee,	ay				
<i>Delaware,</i>					
Mr. Dickinson,	ay	} ay			
Wharton,	ay				

So the question was lost.

<sup>1</sup> This motion, in the writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 36, I, folio 303. The Acts are in 40, II, folio 289.

The Secretary at War, to whom was referred a letter of 14 April, 1782, from Colonel Van Schaick, having reported, as his opinion,

WAR OFFICE, *May 2<sup>nd</sup>, 1782.*

SIR,

It appears by Col. Van Schaick's letter to his Excellency General Washington, which has been before Congress and referred to me, that he supposes himself superseded by Colonel Hazen, and therefore he cannot longer command his regiment.

Although the States, by the Articles of Confederation, delegated to Congress the power of appointing general officers to command the army without limitation to any particular State, yet they have generally confined those appointments to the different States, in some proportion to the number of men they have been requested to raise, and I am convinced that experience has fully evinced its policy and justice. This from the nature of our service, has frequently brought into the field general officers, who, at the commencement of the war, were junior field officers, while old Colonels have been excluded. Had not this mode been adopted, and that of appointing seniors preferred, Congress would have been greatly circumscribed, and most if not all the appointments been within certain States.

The necessity of dispersing the general officers through the United States, and the right each State had to its share has been so fully impressed on the minds of senior Colonels, that they have generally acquiesced in the measure.

Colonel Van Schaick's is one of those cases to remedy which there are no means without establishing such principles as will involve us in perplexities from which we cannot with facility be extricated, for there are already two general officers in the State of New York, and to increase the number will enhance the public expences, and open a door for numerous applications on the grounds Colonel Van Schaick has rested his claim.

I am therefore of opinion that he cannot be promoted consistent with the general good of the service, though he is justly esteemed a meritorious officer; but that in consideration of his long services he be suffered to retire, and be entitled to such emoluments as shall be enjoyed by officers retiring under the resolve of Congress of the 3<sup>rd</sup> and 21<sup>st</sup> of Oct. 1780.

Should Congress approve of these sentiments they will please to resolve,

That Colonel Van Schaick, in consideration of his long services, be permitted to retire, and that he be entitled to all the emoluments which shall be enjoyed in future by officers who retired under the resolves of Congress of the 3 and 21 of October, 1780.<sup>1</sup>

The question to agree to this, passed in the negative.

The Committee of the week [Mr. John Lowell, Mr. Turbett Wright, Mr. Thomas Smith] report That the letter of Jacob Hiltzheimer, respecting the depreciation of money of the new emission formerly paid him for his services be referred to the Superintendent of Finance.

That the letters from the clerks of the office of accounts requesting an increase of their salaries, be referred to the committee on the salaries of the civil list.

That the memorial of Perie Cherlent relating his services in Canada in which he alledged that he had a Captain's commission and his sufferings in consequence thereof and praying relief, be referred to the Secretary at War.<sup>2</sup>

The Committee of the Week report, That the petition of Andrew Pepin, praying for the payment of the whole or of part, of a certificate granted to him for the arrears of his pay lie on the table, and that the petitioner be informed that his request cannot at present be complied with it being improper to pay any individual in preference to others in like circumstances passed.<sup>3</sup>

The Committee of the Week report,

That the Petition of John Blake, praying that the balance due to him for supplies of money may be paid, be referred to the Superintendent of Finance.<sup>4</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 291.

<sup>2</sup> This report, in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 32, folio 355. The indorsement shows that it was passed this day.

The letter from the clerks (Cornelius Comegys, William Ramsey, William Simmons, George Hopes, Guiliam Aertsen, and James Dundas), dated May 18, is in No. 78, VI, folio 115. The indorsement shows that it was referred to Mr. [Ezekiel] Cornell, Mr. [John Morin] Scott and Mr. [Philemon] Dickinson.

<sup>3</sup> This report, in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 32, folio 359. It is undated but belongs to this period. The petition of Andrew Pepin is in No. 41, VIII, folio 162.

<sup>4</sup> This report, in the writing of John Lowell, is in the *Papers of the Continental Congress*, No. 42, I, folio 285, and indorsed: "Not acted upon." It is undated, but the petition of John Blake, dated Philadelphia, May 21, 1782, is on folio 282, and, according to the indorsement, was read the same day.

## WEDNESDAY, MAY 22, 1782

On the report of a committee, consisting of Mr. [James] Madison, Mr. [Jesse] Root, Mr. [John] Lowell, Mr. [John] Rutledge and Mr. [George] Clymer, to whom was referred a letter of 17, from the Superintendent of finance, and who were instructed to confer with the said Superintendent:

The Committee appointed to Confer with the Superintendent of Finance on the Subject of his Letter of the      day of      Report, That they have conferred with the Superintendent of Finance on the subject referred to them, and from the information received on this Conference they find that Some of the States have not passed Laws for levying any part of the Quota of the Continental estimate for this year; that Some others have passed Acts for raising only a part of Such quotas; and that others have passed Laws for raising the whole, but at distant periods; and that several of such Laws are in some respects defective.

Your Committee apprehend that a Circular Letter to Each of the States, being inapplicable to their different Cases, is improper, but it appears to your Committee absolutely necessary that the most effectual means be used for obtaining a general Compliance with the Requisitions of Congress—

*Resolved*, That ~~proper persons be sent to the several states~~ Mr. [John] Rutledge and Mr. [George] Clymer be appointed to repair forthwith to the several states southward of this, and Mr. [Joseph] Montgomery and Mr. [Jesse] Root to the states eastward; and that they be, and hereby are instructed to make such representations to the several states, as are best adapted to their respective circumstances and the present situation of public affairs, and as may induce them to carry the requisitions of Congress into effect with the greatest despatch: that they make the like representations to the State of Pennsylvania before they leave this city: that previous to their departure they confer with the Superintendent of finance, the Secretary at War, and the Secretary for foreign affairs, who are hereby directed to communicate

to them such information from their respective departments as may be most conducive to the end proposed.<sup>1</sup>

*Resolved*, That the gentlemen appointed to repair to the southern states, be excused from proceeding to South Carolina and Georgia, unless they shall for special reasons find it absolutely necessary.

Congress resumed the consideration of the report of the committee, to whom was referred the letter of the 23 of February last, from the president of New Hampshire, and agreed to the same as entered on the first day of April last.

The Committee of the Week [Mr. John Lowell, Mr. Turbett Wright and Mr. Thomas Smith] report,

That the memorial of Capt. Turner, respecting Bills of Exchange to the amount of £1500 Sterling lent to him for the Public use upon his own personal credit, while he was D<sup>r</sup> Commissary of Prisoners at Charles Town, be referred to the Superintendant of Finance.<sup>2</sup>

#### FRIDAY, MAY 24, 1782.

The superintendant of finance having, in a letter of this day, enclosed the copy of a letter of the 4 March from the Honourable Doctor Franklin, minister plenipotentiary of these United States at the Court of Versailles, and a copy of a letter of 6 February from Count de Vergennes to Doctor Franklin, together with a state of the public moneys obtained in Europe for account of the United States, from which he says—"Congress will perceive that every sous we can command during the year 1782 is already anticipated; that the pecuniary supplies of 1781 and 1782 amount, after deducting the expences on the loan, to twenty-five and a half millions of livres; and that there are (including the two mil-

<sup>1</sup> This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 47, folio 341. Morris's letter is in No. 137, I, folio 463.

<sup>2</sup> This report, in the writing of John Lowell, is in the *Papers of the Continental Congress*, No. 41, X, folio 163. It is undated, but the memorial of Captain George Turner, dated Philadelphia, May 19, 1782, is on folio 157, and, according to the indorsement, was read May 22.

lions two hundred thousand livres appropriated to the interest of loan office certificates) near ten millions, besides the sum expended in Holland, which have already passed, and are now passing through the hands of Doctor Franklin, and of which not a livre has been or ever will be applied to the current service. If to this be added above two millions and a half due on Beaumarchais bills, we shall have an amount of about twelve and an half millions, being at least one half of all the moneys obtained abroad for the service of the years 1781 and 1782; and we shall find that this greater half is totally consumed in paying the principal of some, and the interest of other debts, which have been contracted before that period."

And the copy of the letter of 6 February, from Count de Vergennes to Doctor Franklin, being read, to which is annexed the following:

"Sketch of the account of Congress with the royal treasury.

1781. *Receipts.*

The king has advanced.....	4,000,000	
Gratuitous subsidy.....	6,000,000	
Loan in Holland.....	10,000,000	
		<hr/> 20,000,000

*Application.*

Remitted to Mr. Franklin at different times by the department of foreign affairs.....	4,000,000	
Furnished in cash to Colonel Laurens.....	2,500,000	
Price of goods sent in May and June.....	2,069,109	
Price of goods intended to be sent in March, 1782.....	2,570,000	
N. B. Those for Virginia are not included.		
Bills of Mr. Morris on Messrs. Le Couteux.....	1,000,000	
Money sent to Holland, and remitted to Mr. Franklin.....	1,430,000	
To Mr. Le Grand for account of Mr. Franklin.....	2,216,000	
		<hr/> 15,785,109
Balance.....		<hr/> 4,214,891

N. B. There remains to be taken from that sum—

1. The price of goods bought for the State of Virginia.
2. The charges for the loan in Holland.



Mr. Franklin must provide for the bills drawn by Mr. Morris on Mr. Le Couteulx."

The letter of 4 March, from Mr. Franklin to the Superintendent of finance, being also read, wherein is the following paragraph and postscript:

"Friday last the minister was so good as to inform me we should have six millions paid quarterly, of which one million five hundred thousand would be ready for us at the end of this month. I hope I shall now be able to face the loan office and other bills, and my acceptances in favour of Mr. Beaumarchais; and I will do as much as I can out of the 6,000,000 towards fulfilling your orders of paying and depositing money in other hands. But when you observe that the Dutch loan, which you conceived might be entire with me, and at your disposition, has suffered such large deductions, you will not expect much; and your hopes of twelve millions for the present year falling short by one-half, as far as appears at present, you will arrange your affairs accordingly, and prevail on our people, if possible, to do more for themselves.

"P. S. By the 15 of this month another million of the Dutch loan will be consumed in paying bills, &c., so that I fear it will be difficult for me to pay those in favour of Mr. Ross; but I will try."

The Superintendent's account of the moneys in France being also read as follows:

"Due on the Dutch loan, according to the sketch given by the Count de Vergennes.....	\$4, 214, 891
To be advanced in quarterly payments during the year 1782..	6, 000, 000
	<hr/> 10, 214, 891

#### DEDUCTIONS.

1. So much payable by Dr. Franklin the 15 March, 1782....	1, 000, 000
2. Expences of negotiating the loan in Holland, estimated at..	500, 000
3. Amount of articles furnished to Virginia, estimated at...	700, 000
4. Bills drawn on Le Couteulx & Co. last year, mentioned in the Count's letter.....	200, 000
5. Amount of interest bills.....	2, 200, 000
6. Amount of orders in favour of Messrs. Bingham and Ross, in December last, being for a part of their advances. ....	300, 000

7. Amount of cloathing purchased by me last autumn from necessity, the payments for which are now falling due...	700, 000	
8. Moneys due to Mr. W. Lee, which I directed Mr. Franklin to pay with the interest, say about.....	45, 000	
9. Amount of bills drawn by me on Mr. Grand, since 1 January last.....	1, 085, 000	
10. Bills drawn by Congress in favour of Mr. de Beaumarchais three years ago, and which are payable 22 June next..	2, 544, 000	
11. Expences of foreign ministers, and contingencies.....	400, 000	
12. Expences of negotiating at $\frac{1}{2}$ per cent.....	60, 000	
		9, 734, 000
Remains.....		\$480, 891

The expences of hiring transports, maintaining prisoners, &c. will more than consume that balance.”<sup>1</sup>

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Edward] Telfair,

That a committee be appointed, to whom shall be referred the letter of the Superintendent of finance, the letter of Dr. Franklin to the said Superintendent, and the accounts this day laid before Congress by the Superintendent of finance; which committee are directed to make inquiry into the loans and subsidies from France, Holland, &c. and the authority under which the appropriation of the said loans and subsidies has been made; and report thereon to Congress.

A motion was made by Mr. [John] Lowell, seconded by Mr. [William] Ellery, to amend the motion by striking out the words “which committee,” &c. to the end, and in lieu thereof inserting, “And that the said committee be instructed to inquire concerning the appropriation and application of the moneys procured in Europe on loan or otherwise; and that they confer with the Superintendent of finance on the subject, and report thereon.”

<sup>1</sup> The letter of the Superintendent of Finance is in the *Papers of the Continental Congress*, No. 137, I, folio 471; and his account of the moneys in France on folio 485. Franklin’s letter, of March 4, to Morris is on folio 477, and a copy of the letter from Vergennes to Franklin is on folio 481. Franklin’s letter is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 218.

On the question to agree to this amendment, the yeas and nays being required by Mr. [Theodorick] Bland—

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	ay	} ay	Mr. Hanson,	ay	} ay
Lowell,	ay		Wright,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Madison,	ay	} div.
Cornell,	ay		Bland,	no	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Root,	ay	} * <sup>1</sup>	Mr. Rutledge,	ay	} ay
<i>New York,</i>			Ramsay,	ay	
Mr. Scott,	ay	} *	Middleton,	no	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Clark,	ay	} *	Mr. Telfair,	no	} ay
<i>Pennsylvania,</i>			Jones,	ay	
Mr. Montgomery,	ay	} ay	Few,	ay	
Smith,	ay				
Clymer,	ay				
Atlee,	ay				

So it was lost.

A motion was then made by Mr. [Ezekiel] Cornell, seconded by Mr. [Samuel John] Atlee, to amend the motion by striking out the words "And the authority under which the appropriation of the said loans and subsidies has been made;" And on the question, Shall those words stand, the yeas and nays being required by Mr. [Theodorick] Bland—

<i>Massachusetts,</i>			<i>New York,</i>		
Mr. Osgood,	no	} no	Mr. Scott,	no	} *
Lowell,	no		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. Montgomery,	no	} no
Mr. Ellery,	no	} no	Smith,	no	
Cornell,	no		Clymer,	no	
<i>Connecticut,</i>			Atlee,	no	
Mr. Root,	no	} *			

<sup>1</sup> From this point to the end of May 25, the entries in the Secret (Domestic) Journal are in the writing of Benjamin Bankson, of the Secretary's office.

<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Hanson,	no	} no	Mr. Rutledge,	no	} no
Wright,	no		Ramsay,	no	
<i>Virginia,</i>			Middleton,	ay	
Mr. Madison,	no	} div.	<i>Georgia,</i>		
Bland,	ay		Mr. Telfair,	ay	} no
			Jones,	no	
			Few,	no	

So it passed in the negative.

On the question to agree to the motion as amended, the yeas and nays being required by Mr. [Theodorick] Bland—

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	no	} no	Mr. Hanson,	no	} no
Lowell,	no		Wright,	no	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	no	} no	Mr. Madison,	no	} div.
Cornell,	no		Bland,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Root,	no	} *	Mr. Rutledge,	no	} no
<i>New York,</i>			Ramsay,	no	
Mr. Scott,	no	} *	Middleton,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Montgomery,	no	} no	Mr. Telfair,	ay	} no
Smith,	no		Jones,	no	
Clymer,	no		Few,	no	
Atlee,	no				

So the question was lost.

A motion was then made by Mr. [John] Rutledge, seconded by Mr. [James] Madison—

That the Superintendant of finance lay before Congress an account of all money borrowed or granted in Europe, by or to the United States, antecedent to the 4 day of March last; and also a general state of the purposes to which the same has been applied.<sup>1</sup>

<sup>1</sup> This motion, in the writing of John Rutledge, undated, is in the *Papers of the Continental Congress*, No. 36, IV, folio 391.

On the question to agree to this, the yeas and nays being required by Mr. [Edward] Telfair—

<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	ay	} ay	Mr. Hanson,	ay	} ay
Lowell,	ay		Wright,	ay	
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay	} ay	Mr. Madison,	ay	} ay
Cornell,	ay		Bland,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Root,	ay	} *	Mr. Rutledge,	ay	} ay
<i>New York,</i>			Ramsay,	ay	
Mr. Scott,	ay	} *	Middleton,	ay	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. Smith,	ay	} ay	Mr. Telfair,	ay	} ay
Clymer,	ay		Jones,	ay	
Atlee,	ay		Few,	ay	

So it was resolved in the affirmative.<sup>1</sup>

The Committee [Mr. Abraham Clark, Mr. John Rutledge, Mr. Theodorick Bland] to whom was referred the letter of Count Beniousky of the 6<sup>th</sup> of May 1782 with the other papers and references accompanying the said letter,

Have according to order conferred with Count Beniousky, which Gentleman produced testimonials of his having served in the army of our Great Ally first in the capacity of Col<sup>l</sup> and from his merit and fidelity was afterwards rewarded with a Brigadier-General's Commission by Brevet and the military order of St. Louis. It appeared also that the said Count Beniousky, having been exiled from his country (Poland) by the Partition of that Kingdom among three great Powers of Europe, is desirous of entering with his Legion which he engages shall consist of three legionary corps each containing 1161 non Comm<sup>d</sup> Officers and privates—the total amounting to 3483 non Comm<sup>d</sup> and Privates to be commanded by himself and proper Officers to be by him appointed in the first instance and to be promoted as in Art. 4<sup>th</sup> and that the scheme of the compositions of the Legion has been submitted to and received the approbation of the Commander in Chief.

<sup>1</sup> The proceedings on May 24 were also entered in the manuscript Secret (Domestic) Journal

Your Committee also found that the whole of the proposals had been submitted by the said Count to the opinion of the Commander in Chief and that in consequence of some objections suggested by him to the terms contained in some of them, and to obviate every impediment which might retard his carrying the plan proposed by him into speedy execution, the said Count Beniousky had agreed in an explanation of his proposals delivered to the Committee (and which your Committee beg leave to make part of their report)—a translation of which accompanies this report—to recede from some of his original proposals—which your committee are of opinion will remove every reasonable objection which could have been urged on the score of the present state of our finances, and some other lesser objections which might have been urged against the original Plan.

Upon the whole it appears to your Committee that the taking into the Pay of the U. S. three thousand four hundred and eighty three effective well disciplined soldiers who will become useful citizens at the end of the war—or such part as may survive—will be a great alleviation to the future burthens which the States already weakened and drained of its citizens must necessarily feel—that the expenses attending the enlistment and support of these troops will be so much short of that of enlisting and supporting the same number raised within these States from its native inhabitants, as will be sensibly felt in the alleviation of our pecuniary burthens and as they are to take an oath of fidelity to and be under the direction of Congress, and to obey the orders of the Commander in Chief for the time being or such Continental General as they may be put under in the mode mentioned in Art:

Your Committee are of opinion that the terms proposed are reasonable, and may be received and accepted by the U. States in Congress assembled.

*Whereupon, Resolved,* That Congress do accept the terms offered by the Count Beniousky, as propositions reasonable in themselves and conducive to the benefit of the U S. and direct that the Secretary at War do draw out two copies of a convention or agreement in the name of the U. S. in Congress assembled, on the basis and conformable to the spirit and meaning of the said articles to be ratified and confirmed by the President on the part of Congress and by the said Count Beniousky, and that the powers commission and authorities contained in the 1<sup>st</sup>, 2<sup>d</sup>, 3<sup>d</sup> and 4<sup>th</sup> supplementary articles be granted in the common form.



*Resolved*, That such German and French Officers as belong to the armies of the U. S. and are not attached to any particular Line or Corps and shall be willing to enter into the Legion of Count Beniousky, which shall be called the American legion and that they may remain in America under the orders of the Com<sup>dr</sup> in Chief to exercise and take charge of the troops of the said Legion as the transports arrive.<sup>1</sup>

**SATURDAY, MAY 25, 1782.<sup>2</sup>**

A motion was made by Mr. [Ezekiel] Cornell, seconded by Mr. [William] Ellery,

“That the entry of yesterday be transferred to the Secret Journal.”

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [Edward] Telfair, to strike out the words “transferred to the Secret Journal;” and in lieu thereof insert “not printed until the further order of Congress.”

A motion was then made by Mr. [William] Ellery, seconded by Mr. [John] Lowell, to amend the amendment by adding “nor copies delivered out.”

On the question to agree to this amendment to the amendment, the yeas and nays being required by Mr. [Edward] Telfair—

*Massachusetts,*

Mr. Osgood,  
Lowell,

ay }  
no } div

*Rhode Island,*

Mr. Ellery,  
Cornell,

ay }  
ay } ay

<sup>1</sup> This report in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 19, I, folios 293 and 271. According to the indorsement it was presented this day.

Accompanying the report is General Washington's letter of April 27, 1782, to Count Bieniewsky. It is on folio 283. Also a statement from Count Bieniewsky showing the composition of the legionary corps. It is on folios 275, 291, 297 and 297—<sup>1</sup>.

According to Committee Books Nos. 186 and 191, this committee's report to accept Count Bieniewsky's proposals was negatived May 25; and on May 27 the Count's letter of May 6 was referred to another committee, consisting of Mr. [James] Madison, Mr. [John Morin] Scott and Mr. [David] Ramsay, “to report a proper answer informing him that Congress cannot accept his proposals.” See *post*, May 29.

<sup>2</sup> From this point the entries in the Public Journal are by George Bond.

<i>New York,</i>			<i>South Carolina,</i>		
Mr. Scott,	ay	*	Mr. Rutledge,	no	} no
<i>Pennsylvania,</i>			Ramsay,	no	
Mr. Smith,	ay	} ay	Middleton,	no	
Atlee,	ay		<i>Georgia,</i>		
<i>Maryland,</i>			Mr. Telfair,	no	} ay
Mr. Hanson,	ay	} ay	N. W. Jones,	ay	
Wright,	ay		Few,	ay	
<i>Virginia,</i>					
Mr. Madison,	no	} no			
Bland,	no				

So the question was lost.

On the question ~~“Shall the words moved to be struck out stand?”~~ to agree to the amendment, the yeas and nays being required by Mr. [John] Lowell—

<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Osgood,	no	} div.	Mr. Madison,	ay	} ay
Lowell,	ay		Bland,	ay	
<i>Rhode Island,</i>			<i>South Carolina,</i>		
Mr. Ellery,	no	} no	Mr. Rutledge,	no	} ay
Cornell,	no		Ramsay,	ay	
<i>New York,</i>			Middleton,	ay	
Mr. Scott,	no	*	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Telfair,	no	} ay
Mr. Smith,	no	} no	Jones,	ay	
Atlee,	no		Few,	ay	
<i>Maryland,</i>					
Mr. Hanson,	no	} div.			
Wright,	ay				

So the question was lost.

On the question to agree to the original motion, the yeas and nays being required by Mr. [Edward] Telfair—

<i>Massachusetts,</i>			<i>New York,</i>		
Mr. Osgood,	ay	} ay	Mr. Scott,	ay	*
Lowell,	ay		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. Smith,	ay	} ay
Mr. Ellery,	ay	} ay	Atlee,	ay	
Cornell,	ay				

<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Hanson,	ay	} ay	Mr. Rutledge,	no	} no
Wright,	ay		Ramsay,	no	
<i>Virginia,</i>			Middleton,	no	
Mr. Madison,	no	} no	<i>Georgia,</i>		
Bland,	no		Mr. Telfair,	no	} no
			Jones,	no	
			Few,	ay	

So the question was lost.

A motion was then made by Mr. [William] Ellery, seconded by Mr. [Samuel] Osgood,

“That the entry of yesterday of the letters of Dr. Franklin, and the Superintendent of finance, be published, and copies thereof be delivered to such members of Congress as shall apply for the same.”

~~On this the previous question was moved by the State of Virginia seconded by the State of South Carolina, and on the question to agree to the previous question, passed in the negative.~~

On the question to agree to the motion, the yeas and nays being required by Mr. [William] Ellery—

<i>Massachusetts,</i>			<i>Virginia,</i>		
Mr. Osgood,	no	} no	Mr. Madison,	no	} no
Lowell,	no		Bland,	no	
<i>Rhode Island,</i>			<i>South Carolina,</i>		
Mr. Ellery,	no	} no	Mr. Rutledge,	no	} no
Cornell,	no		Ramsay,	no	
<i>New York,</i>			Middleton,	ay	
Mr. Scott,	no	} *	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Telfair,	ay	} no
Mr. Smith,	no	Jones,	no		
Atlee,	no	} no	Few,	no	
<i>Maryland,</i>					
Mr. Hanson,	no	} no			
Wright,	no				

So it passed in the negative.<sup>1</sup>

<sup>1</sup> The proceedings on May 25 were also entered in the manuscript Secret (Domestic) Journal.

MONDAY, MAY 27, 1782<sup>1</sup>

On motion of Mr. [James] Madison, seconded by Mr. [John] Rutledge,

*Resolved*, That inasmuch as business of the greatest consequence is often delayed or retarded for want of a sufficient representation in Congress, it be, and it is earnestly recommended to the states which are at present unrepresented, immediately to send delegates to Congress, and to all the states to keep up a constant representation.<sup>2</sup>

The Secretary for Foreign Affairs having laid before Congress a copy of a letter which he proposes to write to the honble Francis Dana, and it being moved to consider the letter by paragraphs, a motion was made by Mr. [James] Madison, seconded by Mr. [John] Rutledge, that the consideration of the letter be postponed, to make way for a motion which they intended to make, and which was read in the way of argument.

And the consideration of the letter being postponed—

On motion of Mr. [James] Madison, seconded by Mr. [John] Rutledge,

*Resolved*, That Mr. Dana be instructed not to present his letters of credence to the Court of Petersburg, until he shall have obtained satisfactory assurances that he will be duly received and recognized in his public character.<sup>3</sup>

*Ordered*, That the copy of the letter be returned to the Secretary for Foreign Affairs.

<sup>1</sup> Here Charles Thomson resumes the entries in the Journal.

<sup>2</sup> A draft of this motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 65, II, folio 166, indorsed on the letter of May 6 from the Governor of Massachusetts.

From this point the proceedings for the day were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal, No. 6, Vol. III.

<sup>3</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, II, folio 137.

WAR OFFICE, May 27<sup>th</sup>, 1782.

SIR,

A number of estimates have been laid before the honorable Superintendent of Finance for supplies not only necessary for the campaign; but some of them indispensably requisite to our taking the field. On the 7<sup>th</sup> instant I was informed by him, that he could not comply with the estimates, and at the same time support his present engagements.

The hope of a partial supply (of which I now despair) has heretofore prevented me representing the matter to Congress, but this expectation having ceased I dare no longer withhold the information.<sup>1</sup>

## TUESDAY, MAY 28, 1782

The Secretary for foreign affairs laid before Congress the following verbal communication made to Mr. Livingston:

The minister of his Most Christian Majesty has the honour to inform Mr. Livingston of several particulars relative to the negotiation that the Court of London appeared disposed to open in Europe. The first steps were taken under the former administration. This remark is essential, because it is possible that the new ministers may take others more decisive; or it is equally possible that they may entirely change the system, and continue the war still longer.

Emissaries have been sent to Paris, and to the Hague, to sound, on the one hand, Mr. John Adams, in the hope that his connexion with some independent members might facilitate an accommodation; and, on the other side, in the hope that very advantageous offers

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 355. The indorsement states that it was referred to Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. [Samuel John] Atlee on this day and the committee discharged June 11, 1782.

On this day, according to the indorsement, a letter of the same date, from the Superintendent of Finance, was referred to Mr. [Theodorick] Bland, Mr. [William] Ellery, Mr. [Arthur] Middleton. It is in No. 137, I, folio 497.

Also, a letter of March 30 from the Marquis de la Fayette. It is in No. 156, folio 270.

might seduce his Majesty, and engage him to make a separate peace to abandon his allies. The Chevalier de la Luzerne is not informed of the steps that have been taken at Madrid, or by the States General.

The proposition made secretly to France tended to a partial peace. It offered France the possession of their conquests in the West Indies, the suppression of an English commissary at Dunkirk, and advantages in the East Indies. These offers were certainly satisfactory to his Majesty; and he would have had no reason to reject them, if he had had no allies. But his engagements marked out another line of conduct. He replied, that how sincerely soever he was disposed to peace, he would commence no negotiations to this end without the participation of his allies. The emissary easily comprehended that this answer related as well to the United States as to Spain; and pretended that the condition was inadmissible; that England, in treating upon this foundation, would acknowledge the independence of her colonies, which made no part of her system. The minister of his Majesty replied, that their independence was considered by the king as an indispensable point, and that it made the basis of his system.

The English agent then demanded, if there were no means to avoid treating with us of the affairs of America. The Count de Vergennes replied by referring him to the answer given to the first overtures of pacification made by the mediators, and communicated to Mr. Livingston.

It should be observed, that whether England treats of the affairs of the United States with the Court of Versailles, or whether she opens a direct communication with the United States, she cannot avoid treating with the American negotiators sent by Congress. In



either case she will be under the necessity of acknowledging that body.

The conduct of his Majesty on this occasion being strictly conformable to justice and his engagements his minister confines himself to a simple communication of it to Mr. Livingston. He confides also to him, that M. le Count de Vergennes, in declaring to the English agent that his Majesty could not listen to any negotiations of peace if the Court of London did not treat at the same time with his allies, added verbally, that the king did not attend to his own satisfaction till that of his allies was procured.

Besides this, the effects of these steps taken by the Court of London have been to engage France to pursue with redoubled vigour the measures that have given birth to these appearances of peace, but which would certainly not terminate in it, if England perceived that her enemies relaxed their efforts in any manner. It is above all things indispensable, that the United States should, in the course of this campaign, be in a situation to co-operate in vigorous enterprises, which may be formed. It appears that the design of the court of London, pointed out by the debates in parliament, is to reduce, by a defensive war, their operations upon this continent. The minister of his Most Christian Majesty has at present no information relative to the plans of the approaching campaign. But whatever they may be, it would be useful to be enabled to inform his Court that the United States will not adopt an inactivity which would be equivalent to the truce required. But that their design is to trouble the repose that the enemy wish to deliver themselves to, and that the operations, whether combined or seperately undertaken by the United States, will be pushed with activity during the ensuing campaign.

As to the place of the negotiations, Congress knew in 1779, when they named a plenipotentiary, and in 1781, when they gave him three colleagues, that it could only be in Europe, and that this was the most effectual means of preventing delays and jealousy, and of maintaining the confidence and harmony which has so happily subsisted hitherto between the allies. It would be important that the minister of his Majesty could inform his Court, that Congress persists in these dispositions; and that in case commissaries offer to treat upon this continent, they should be referred to the ministers of the United States, who are provided with instructions on this subject in Europe; that the Court of London should address itself to them; and that it is impossible that the seat of negotiation should be in America. When these overtures were made to the Court of Versailles the agent made no mention of those that were to be made in America, or to the American ministers in Europe. It is obvious that the design of this conduct is to inspire reciprocal distrust; and the Chevalier de la Luzerne conceives it can in no way more effectually be prevented than by a full communication of every circumstance which shall relate to the pacification, and to the interests of the alliance which shall come to his knowledge.<sup>1</sup>

On the report of a committee, consisting of Mr. [David] Ramsay, Mr. [James] Madison, Mr. [Abraham] Clark, to whom were referred a letter of 8th from the Superintendent of finance, and a letter from the Secretary for foreign affairs:

*Resolved*, That the minister plenipotentiary of the United States at the Court of Versailles, be instructed to take

<sup>1</sup> Mr. Livingston's report of Luzerne's communication is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 443.

To this point the proceedings for May 28 were entered only in the manuscript Secret Journal, Foreign Affairs. The resolutions following were entered in both the Secret and the Public Journal.

immediate measures for liquidating the accounts subsisting between the said states and the said Court, and report a state thereof to Congress.

*Resolved*, That a commissioner be appointed to liquidate and finally settle the accounts of all the servants of the United States, who have been entrusted with the expenditure of public monies in Europe.

~~That the Superintendent of Finance nominate to Congress a fit person for such appointment~~ and that the person so appointed be allowed

That the salaries and allowances to which the public servants of the United States are or shall be entitled be in future paid by the Superintendent of Finance out of the monies which  
 Passed. shall from time to time be in his hands and that the said public servants be authorised to make quarterly draughts on him for that purpose.

That the salaries of a Minister Plenipotentiary from the United States be from and after the 1<sup>st</sup> day of January next at the rate of 3000 Dollars per annum, and of a minister 2000 Dollars per annum [and to a Secretary to a Commission 1200 dollars per annum]<sup>1</sup> but that an allowance be respectively made to them for household expences, in which shall be included those of the Secretaries to their embassies, and of their private Secretaries at the following rates, viz.

	Dollars.
To the Minister Plenipotentiary at the Court of Versailles .....	4000
To do., Madrid.....	4000
To do. at the Hague, prior to an acknowledgment of his public character. ....	1500
To do. at do. subsequent to such acknowledgment. ....	2500
To do. for negotiating a peace prior to the commencement of such negotiation. ....	1500
To do. for do. subsequent thereto.....	4000
To the Minister at Petersburg prior to an acknowledgment of his public character.....	1000
To do. at do. subsequent thereto.....	1500

That the Commission of Minister Plenipotentiary from the United States to the Court of Petersburg granted to Francis Dana Esq. on the        day of        unless he shall have been acknowledged in that quality, be and the same is hereby revoked, and that a Commission issue constituting him minister at the said Court, and that he be authorised, as soon as he shall be acknowledged in his public

<sup>1</sup> The words in brackets are in the draft, but not in the copies.

character to appoint a private Secretary, who shall be entitled to a salary of 500 Dollars per annum.

That the appointment of Mr Carmichael as Secretary to the Embassy to the Court of Madrid and his provisional appointment of Chargé d'affaires at the said Court be revoked, and that a Commission issue investing him with the like appointment at the Court of Versailles, and that his salary from and after his arrival at the said Court be at the rate of 2000 Dollars per annum.

That Mr Jay be authorised to appoint a private Secretary with a salary of 800 dollars per annum.

That Mr Laurens be authorised whenever he shall enter on his Mission to the United Provinces of the Low Countries, to appoint a private Secretary with a salary of 500 Dollars per annum.

That Mr Adams be authorised to appoint a private Secretary, who shall from and after the 1<sup>st</sup> day of Jany. next be entitled to a salary of 500 Dollars per annum.<sup>1</sup>

[Motion of Mr William Ellery Seconded by Mr Theodorick Bland.

Referred to Mr Theodorick Bland, Mr William Ellery, Mr Arthur Middleton.]

That the

be referred to the Superintendent of Finance and that he be directed to inform the Count de Vergennes that these United States do not hold themselves accountable for Contracts made by any particular State; and therefore cannot consent that stoppages should be made from Loans, subsidies or grants obtained in Europe on account of these United States for articles furnished on particular contract to any individual State.

That the Superintendent of Finance be directed to give information to the Count de Vergennes through the Chev. de la Luzerne and the Minister Plenipotentiary at the Court of Versailles. That the U. S. do not hold themselves accountable for contracts made by any particular State, and therefore request that stoppages may not be made &c. As such stoppages would greatly embarrass the U. S. under the present difficult situation of their Finances.<sup>2</sup>

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, II, folio 205. A fair copy is on folio 113, a duplicate being on folio 109. The indorsement shows it was considered May 23 and on August 23 referred to Mr. [James] Madison, Mr. [Arthur] Lee, and Mr. [James] Duane.

<sup>2</sup> The first paragraph of the motion is in the writing of William Ellery. The second paragraph amended it into the form in which it went to the committee. The indorsement states that it was referred on this day. It is in the *Papers of the Continental Congress*, No. 25, II, folio 119. Committee Book No. 186 shows that on June 20, Mr. [John] Lowell was added to the committee, in the place of Ellery, and that a report was delivered June 27.

The Committee of the Week, [Mr. Noble Wimberly Jones, Mr. John Morin Scott, Mr. Samuel John Atlee,] report, That the memorial of John Vacher late Surgeon of the 4<sup>th</sup> New York Regiment, complaining of his being deranged tho' a Senior Surgeon to others continued in service and praying to be restored to his rank, be referred to the Secy at War.<sup>1</sup>

WEDNESDAY, MAY 29, 1782

Congress resumed the consideration of the report of the committee on the letters from the Superintendant of finance and Secretary for foreign affairs; and thereupon,

*Ordered*, That the Superintendant of finance prepare and report to Congress, proper instructions for the commissioner to be appointed to liquidate and finally settle the accounts of all the servants of the United States, who have been entrusted with the expenditure of public monies in Europe.<sup>2</sup>

*Resolved*, That the salaries and allowances to which the public servants of the United States are or shall be entitled, be in future paid by the Superintendant of finance, out of the monies which shall, from time to time, be in his hands; and that the said public servants be authorised to make quarterly draughts on him for that purpose.

On the report of a committee, consisting of Mr. [James] Madison, Mr. [John Morin] Scott and Mr. [David] Ramsay, to whom was referred a letter of the 6th from Count Beniousky:

<sup>1</sup> This report, in the writing of Noble Wimberly Jones, is in the *Papers of the Continental Congress*, No. 32, folio 357. The indorsement shows that it was passed this day.

On this day, according to the indorsement, were read resolutions of the House of Delegates of Virginia. They are in No. 75, folio 367, and were referred to Mr. [John] Rutledge, Mr. [John] Lowell, Mr. [William] Ellery, to confer with the Superintendant of finance and report.

Also, a letter dated Amsterdam, December 28, 1781, from John de Neufville & Son. It is in No. 145, folio 87.

<sup>2</sup> This paragraph and the one following it were also entered in the manuscript Secret Journal, Foreign Affairs.

*Ordered*, That the Secretary at War inform Count Benigsky, that the proposal for introducing a legionary corps into the service of the United States, which accompanied his letter of the 6th instant has been considered by Congress with the attention due to its importance. The zeal for the American cause which the author of it professes, and which the generous terms of the plan evince, have not failed to inspire a just esteem for his character and a disposition to favour his wishes. Considerations, however, which in no respect derogate from this esteem or this disposition, render it expedient for Congress to decline the offer which has been made to them.<sup>1</sup>

On motion of the delegates of South Carolina,

*Ordered*, That they be furnished with copies or extracts of all letters in the office for foreign affairs, or other offices of Congress, so far as they relate to Captain Gillon of the *South Carolina* packet frigate.

On the report of a committee, consisting of Mr. [John] Rutledge, Mr. [John] Lowell, and Mr. [William] Ellery, to whom were referred sundry resolutions of the house of delegates of Virginia, respecting an agreement made between the secretary of Congress, the Superintendent of finance, and E. Coffin, and passports granted by the secretary, pursuant to the resolution of the 11 day of February last,

The Committee to whom were referred several Resolutions of the House of Delegates of Virginia Report, That they have conferred with the Superintendent of Finance on the subject referred to your Committee, and it appears that in pursuance of the power vested (by a Resolve passed unanimously on the 11 Day of February last) in the Secretary of Congress, and the Superintendent of Finance, they with the approbation of his Excellency the Commander in Chief, entered into a contract whereby the Superintendent engaged to furnish 685 Hh<sup>ds</sup> of Tobacco in Virginia, and Passports for carrying it to New York. The value of that quantity of Tobacco in Virginia

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, I, folio 269.



being part of the amount of the price of the goods sold by the traders, capitulants at York Town, to Individuals in that State.

That in the opinion of your Committee, the said contract ought to be executed, and your com<sup>ee</sup> cannot but conceive that the Resolves of the Honorable the House of Delegates of Virginia (referred to your Com<sup>ee</sup>) are founded on misapprehension, wherefore altho it may be premature, and unnecessary for Congress to enter into any Resolutions relative to a matter which has undergone the consideration of only one branch of the Legislature,

Your Com<sup>ee</sup> think it may not be improper, and they recommend,

*Resolved*, That the members who are to repair to Virginia, be instructed to make such representations to that State as may remove every obstacle to the execution of this measure.<sup>1</sup>

War Office, May 29, 1782.

Sir:

I do not think myself authorised to make the establishments asked for by Mr. De Witt. I therefore beg leave to lay his letter before Congress.<sup>2</sup>

*Ordered*, That so much of a letter of the 28th from the Superintendant of finance as relates to the mode to be adopted for appointing a court martial for offences in the navy be referred to the Superintendant of finance as Agent of Marine to report.<sup>3</sup>

WAR OFFICE *April 26, 1782.*

SIR,

On the petition of Jordan Hopson conductor of Military Stores referred to me—I beg leave to observe that it appears to me, his appointment from the ranks was consequent on his merit as a soldier and that his Warrant from the Board of War implied his discharge

<sup>1</sup> This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 20, II, folio 267.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 41, II, folio 493. The indorsement shows that it was read on this day and referred to Mr. [Ezekiel] Cornell, Mr. [John Morin] Scott and Mr. [Philemon] Dickinson. According to Committee Book, No. 186, this committee was discharged on June 25.

<sup>3</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

On this date, according to the indorsement, a letter dated Lancaster, May 27, from Major James Gordon was read. It is in the *Papers of the Continental Congress*, No. 78, X, folio 389.

from the duties of a private sentinel, and I conceive his appointment and subsequent services entitle him to an honorable discharge from the service, as he is no longer necessary in the capacity of a conductor.<sup>1</sup>

## THURSDAY, MAY 30, 1782

On motion of Mr. [Abraham] Clark, seconded by Mr. [James] Madison,

*Resolved*, That the resolution passed yesterday, on the report of the committee to whom were referred the resolutions of the house of delegates of Virginia, be reconsidered; and in lieu thereof, that it be, and hereby is,

*Resolved*, That the members of Congress who are deputed to repair to the southern states, be ~~instructed~~ authorised to make such explanations to the legislature of Virginia as they shall judge expedient, relative to the transaction which is the subject of the resolutions of the house of delegates of the said State.

On motion of Mr. [Theodorick] Bland, seconded by Mr. [William] Ellery,

*Ordered*, That the Superintendant of finance and Secretary at War enquire into a contract made by Congress or a committee of Congress, with Mr. Jacob Rubsamen, for the purpose of instructing the people of Virginia in the mode of making salt-petre, &c. and report the wages due to him on that account, and whether his further services are necessary, together with the mode to be adopted for paying him.

FRIDAY, MAY 31, 1782<sup>2</sup>

On a report of a committee, consisting of Mr. [James] Madison, Mr. [Abraham] Clark and Mr. [Samuel]

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 283. According to the indorsement it was referred to the Governor of New Jersey on this day.

<sup>2</sup> The proceedings for May 31 were entered only in the manuscript Secret Journal, Foreign Affairs, in the More Secret Journal, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III. They are printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 464.

Wharton, to whom was referred a verbal communication of the honourable the minister plenipotentiary of France to the Secretary for foreign affairs.<sup>1</sup>

*Resolved*, That the Secretary for foreign affairs acquaint the minister plenipotentiary of France, that the signal proofs of inviolable constancy to his engagements, given by his Most Christian Majesty in the answer to the attempts of the British court to seduce him into a separate peace, has been received by Congress with the sentiments with which it ought naturally to inspire faithful and affectionate allies, and entirely corresponds with the expectations which the magnanimity and good faith of his past conduct had established. That Congress embrace with particular satisfaction this occasion of renewing to his Most Christian Majesty the assurances which they have so often and so sincerely repeated, of a reciprocal and equal resolution to adhere, in every event, to the principles of the alliance, and to hearken to no propositions for peace which are not perfectly conformable thereto.

~~That in case any propositions conformable to those principles should be made to them, which the insidious steps the British Court is pursuing render very improbable at the present juncture, Congress will be no less attentive than they have heretofore been to the precautions necessary for preventing delays and preserving harmony and confidence in the discussion of them.~~

That the insidious steps which the Court of London is pursuing render it improbable that any propositions conformable to those principles will be made to the United States; but that in case such propositions should be made, Congress will not depart from the precautions measures which they have heretofore taken for pre-

<sup>1</sup> See *ante*, May 28.

venting delay, and for conducting the discussions of them, in confidence, and in concert with his Most Christian Majesty; and that as Congress observe, with the warmest approbation, the purpose of his Most Christian Majesty to oppose to the false appearances of peace held out by Great Britain, those redoubled efforts which may render her sincerely disposed to it, so his Majesty may be persuaded, that they are no less impressed with the necessity of such concurrent exertions on the part of the United States, as may frustrate the views of the common enemy in the new defensive system which their policy seems to have adopted on this continent.

~~That the Secretary of Foreign Affairs also furnish to the said Minister Plenipotentiary a copy of so much of the letter of the day of last from the Commander in chief as relates to a letter to him from Gen<sup>l</sup> Carleton together with copies of the latter and of the resolution of Congress passed in consequence thereof.~~

~~That the Secretary of F. Affairs transmit copies of the first of these resolutions and of the papers referred to in the last, to the Minister Plenipotentiary of the U. States at the Court of Versailles and to their other public ministers in Europe.<sup>1</sup>~~

#### MONDAY, JUNE 3, 1782

A letter, of 31 May, from the Superintendant of finance, being read,

On motion of Mr. [Thomas] Smith, seconded by Mr. [Elias] Boudinot,

*Resolved*, That the resolution of the 29 May, respecting the payment of the salaries and allowances of the public

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 19, II, folios 341 and 341<sup>a</sup>.

servants of the United States, be re-considered and committed.<sup>1</sup>

Mr. Benjamin Huntington, a delegate for Connecticut, attended and took his seat.

Mr. E[liphalet] Dyer, another delegate for Connecticut, attended, and produced credentials, by which it appears, that at a general assembly of the governor and company of Connecticut, on the 10 of January, 1782, he was elected to be a delegate in Congress until the 1st Monday in November next, in the room of Mr. A[ndrew] Adams, resigned.

STATE OF CONNECTICUT.

At a General Assembly of the Governor and Company of the [Seal] State of Connecticut in America holden at Hartford by Adjournment on the tenth Day of January A Dom 1782

THIS ASSEMBLY do appoint the Hon<sup>ble</sup> Eliphalet Dyer Esq<sup>r</sup> to be a Delegate in Congress untill the first Monday in November next, in the room of the Hon<sup>ble</sup> Andrew Adams Esq<sup>r</sup> resigned.

A true Copy of Record,  
Examin<sup>d</sup>

By George Wyllys Secret<sup>r</sup> <sup>2</sup>

A letter, of this day, from the Secretary at War, being read, enclosing a resignation of John Lawrence, late judge-advocate,

*Ordered*, That his resignation be accepted; and that Monday next be assigned for the election of a judge-advocate.

According to the order of the twenty-ninth instant the Superintendent begs leave to report,

That by the resolution of the twenty-eighth of November, 1775, it was determined that a court martial should consist of at least three

<sup>1</sup> This resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

The letter of the Superintendent of Finance is in the *Papers of the Continental Congress*, No. 137, I, folio 525. The indorsement shows that it was read on this day and referred to Mr. [James] Madison Mr. [David] Ramsay and Mr. [Samuel] Osgood. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton) V, 463.

<sup>2</sup> The original is in the *Papers of the Continental Congress*, Connecticut, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

captains and three first lieutenants with three captains and three first lieutenants of marines.

That by the resolution of the eighth of February 1780 it was determined that in the particular case therein mentioned of trying a captain or other commissioned officer for the loss of a ship a court martial might consist of such five persons as a navy board might appoint.

That by the resolution of the twentieth of November, 1781, the powers for appointing courts by the last mentioned resolution in the case there mentioned are assigned to the Secretary of Marine or until his appointment in the Agent of Marine and until his appointment to the Superintendent of Finance.

That the present situation of the Navy will very seldom admit of holding courts martial or courts of inquiry for the want of sufficient officers the provision in the resolution of the eighth of February being confined to a particular case.

The following resolutions are therefore submitted:

That in future a marine court of inquiry or court martial shall never consist of less than three or more than seven commissioned sea officers whereof one at least shall be a captain in the Navy of the United States.

That any captain in the Navy of the United States be authorised to appoint a court martial for the trial of offences committed by any other than a commissioned officer.

That where a court of enquiry or court martial is to be appointed for enquiring into the conduct of or trying a commissioned officer the same shall be done by the Secretary or Agent of Marine or other person doing the duty of that office.<sup>1</sup>

<sup>1</sup> This "report of the Superintendent of Finance as Agent of Marine" was read this day, the indorsement indicates, and referred to Mr. [William] Ellery, Mr. [Benjamin] Huntington, Mr. [Elias] Boudinot. It is in the *Papers of the Continental Congress*, No. 137, I, folio 543. The Committee Book, No. 186, shows that Ellery's name was struck off the committee, and Mr. Turbett Wright added on June 11.

On this day, according to the indorsement, a letter from Elias Dayton, dated Jersey Camp near Morristown, May 28, 1782, was read and referred to the Secretary at War. It is in No. 41, II, folio 471.

Also one dated Indian Eastern Department, Machias, March 8, 1782, from John Allan, which was also referred to the Secretary at War. It is in No. 149, II, folio 563.

Also a letter of June 3 from the Secretary at War laying before Congress a letter from General Washington and a copy of a letter from Sir Guy Carleton, which were referred to Mr. [John Morin] Scott, Mr. [Elias] Boudinot, Mr. [David] Ramsay. It is in No. 149, I, folio 367.

Also, a letter from General Washington, dated Head Quarters May 28. It is in No. 152, X, folio 571.



## WEDNESDAY, JUNE 5, 1782

On application from the Secretary at War,

*Resolved*, That he have leave of absence to visit the Commander in Chief in camp.<sup>1</sup>

On the report of a committee, consisting of Mr. [James] Madison, Mr. [David] Ramsay, and Mr. [Samuel] Osgood, to whom was referred a letter of the 31st of May, from the Superintendent of Finance:

*Resolved*, That the resolution passed on the 29th of May, relative to the salaries and allowances of the public servants of the United States, be, and hereby is repealed, and that from and after the 1st day of August next, warrants be issued quarterly on the treasurer of the United States for one-fourth part of the annual salaries and allowances respectively made to the said public servants employed in foreign parts.<sup>2</sup>

[Report of Committee, Mr. John Morin Scott, Mr. James Madison and Mr. John Rutledge, respecting German Prisoners.]

Whereas the events of war have put into the possession of these U. S. great numbers of prisoners taken at different periods in the service of the King of G. B. ~~of which it appears by authentic returns that there now remain in captivity~~

And whereas the British Commander in Chief hath ~~refused as well~~ not as yet concurred in any measures either for liquidating and discharging the arrears due to the U. S. for the past subsistence of the said Prisoners, ~~as to make the necessary provision~~ or providing for their future subsistence; and whereas a considerable proportion of the said Prisoners consists of Germans by nation, many of whom from a dislike to the service into which they have been involuntarily hired, and from a prospect of amending their condition, have expressed a desire of entering some of them into the military service of the U. S.

<sup>1</sup> The next two paragraphs are entered in the Journal by George Bond.

The letter of the Secretary at War requesting leave is in the *Papers of the Continental Congress*, No. 149, I, folio 375.

<sup>2</sup> This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 19, IV, folio 357. The resolution was also entered in the manuscript Secret Journal, Foreign Affairs.

and others into a reasonable period of common service with a view of eventually becoming citizens and settlers within the said States; and whereas the indulgence of the said prisoners in their respective desires will tend to counteract the unjust and cruel designs of the enemy and to aid the ~~respective~~ States in filling up the quotas of troops respectively required of them.

~~It being represented to Congress that a number of the Germans Prisoners of war to the U. S. are desirous of becoming Citizens of the said States, and are moreover willing, on condition of being provided with future settlements in this Country, to aid in its defence by entering into the military service of the U. S. and it being expedient that such enlistments should be made with as little delay as possible and in such mode as will secure to the respective States a due proportion of the benefit thereof.~~

*Resolved*, That the Secretary at War be authorised and directed to take immediate measures for enlisting into the army of the U. S. for the term of 3 years or of the war, at the option of the party enlisting so many of the Germans prisoners of war to the said U. S. ~~not exceeding~~ as shall voluntarily agree thereto, and take the oath of fidelity prescribed by the articles of war.

That the said Secretary be authorised to allow to each recruit so enlisted a bounty of eight dollars to be advanced from time to time on his application by the Superintendant of Finance, and to stipulate in behalf of the U. States, to all such recruits the same pay and other provisions and on the like conditions as ~~were allowed~~ have been stipulated to other soldiers enlisted for the same terms into the service of the U. S.

That the recruits so enlisted be placed by the said Secretary to the credit of the several States in proportion to the quotas of troops respectively required of them by Congress, in the same manner as if the recruits had been raised by and received from them in pursuance of such requisition

That the said recruits as fast as they shall be enlisted shall be marched to such place as the Commander in Chief shall direct and shall be arranged in the army in such manner as he shall judge most conducive to the public service.

That the Superintendent of Finance and Secretary at War take order for disposing of the services of such of the said Prisoners as shall desire it for such ~~time~~ period as they shall deem reasonable not exceeding 3 years, and on such conditions as will secure to the

same a ~~proper~~ comfortable maintenance and be most conducive to the public interest.<sup>1</sup>

*Ordered*, That the report of a committee to whom were referred a letter, of 3rd May, from the Secretary at War and a letter, of 27th April, from General Washington excepting the last clause, be referred to the Commander in Chief, the Secretary at War and Superintendent of Finance, to take order, any resolution to the contrary notwithstanding;

And that the last clause of the report be referred to the Superintendent of Finance and Secretary at War to take order so soon as order is taken on the former part.

*Ordered*, That a letter from the Secretary for foreign affairs enclosing letters from W. Lee with his accounts be referred to the Superintendent of Finance.<sup>2</sup>

WAR OFFICE *June 4, 1782.*

SIR,

On the petition of Colonel Dayton referred to me I beg leave to observe,

If Congress should think it necessary to appoint a Brigadier to command the troops raised by the State of New Jersey, Colonel Dayton's pretensions to the appointment on the principles which have been established and generally attended to are indispensable, he having discharged his duty with attention and being the senior officer in that State and the third on the roll of the United States. I cannot help observing how much such an appointment must hurt the feelings of Colonel Greaton his senior officer, and who has for almost two years been Commandant of one of the Massachusetts Brigades which is destitute of a Brigadier. I therefore cannot help recommending, if Congress should think proper to appoint Colonel Dayton a Brigadier General that Colonel Greaton may have the same rank.

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 28, folios 67 and 75. The indorsement says: "Debated May 15, 1782. June 5, 1782, referred, except the last clause, to the Commander in Chief, Secretary at War and Superintendent of Finance to take order, any resolution to the contrary notwithstanding. The last clause referred to the Superintendent of finance and Secretary at War to take order so soon as order is taken on the former part." The report and a statement of the reference as above was entered in No. 12 (estimates) but not in the Journal.

<sup>2</sup> These orders were entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

This report being read it was moved by Mr. [William] Ellery, seconded by Mr. [Ezekiel] Cornell,

That the sense of Congress be taken whether it is expedient at this time to increase the number of Brigadiers General, and the question being taken was lost, six States being in the negative, one in the affirmative and two divided.<sup>1</sup>

#### THURSDAY, JUNE 6, 1782

Congress proceeded to the election of a deputy purveyor for the southern hospital; and, the ballots being taken, Dr. N. Brownson was elected, having been previously nominated by Mr. [William] Few.

On motion of Mr. [James] Madison, seconded by Mr. [Theodorick] Bland,

*Ordered*, That the Superintendant of finance and Secretary at War report to Congress the steps taken by them in consequence of a reference made to them on the 22d day of April last.<sup>2</sup>

WAR OFFICE *June 6<sup>th</sup> 1782.*

SIR,

I am directed by the Secretary at War, who is himself indisposed, to inform Congress that he has deferred reporting on General Greene's letter of the 9 Ulto. referred to him, from an expectation which he entertained that the means of forwarding the whole of the clothing provided for the Southern Army might soon have been procured, and that other circumstances would have enabled him to report more specially.

But the hope of this supply being as distant as ever, he conceives it his indispensable duty to inform Congress thereof without farther delay.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 371. The action of Congress is indorsed upon it.

On this day, according to the indorsement, was read a letter, of June 2, from the Superintendent of Finance, covering copies of a letter from Silas Deane to the Governor of Connecticut, dated Ghent, October 21, 1781, and the Governor's reply, dated May 15, 1782. The Superintendent's letter is in No. 137, I, folio 529. The copy of Governor Trumbull's letter is on folio 533, and that of Silas Deane on folio 539. Another copy of Deane's letter is in No. 78, VII, folio 415.

<sup>2</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 321.

The letters from General Greene which I do myself the honor to enclose, recapitulate the distresses of the Southern army, and the Clothier General's letter to the Secretary at War demonstrates the article of transportation as the only impediment to the clothing being immediately sent on.<sup>1</sup>

FRIDAY, JUNE 7, 1782

Mr. David Howell, a delegate for the State of Rhode Island and Providence Plantations, attended, and produced his credentials, by which it appears, that at a general election held at Newport, within and for the said State, on the first Wednesday in May last, he was chosen and appointed one of the delegates to represent the said State in the Congress of the United States of America, for one year, and until another shall be sent to take his seat.

To all unto whom these Presents shall come, I Henry Ward, of Providence, in the State of Rhode Island and Providence Plantations, Secretary of the said State, duly elected, and engaged according to Law, send Greeting.—Know ye, That at the General Election held at Newport, within and for the said State, on the First Wednesday in May instant, the Honorable David Howell, Esq. was chosen and appointed One of the Delegates to represent the said State in the Congress of the United States of America, now sitting at Philadelphia, for One Year, and until another shall be sent to take his Seat.

In Witness whereof I have hereunto set my Hand, this Eighteenth Day of May, A. D. 1782, & in the Sixth Year of Independence.

HENRY WARD<sup>2</sup>

Mr. R[alph] Izard, a delegate for the State of South Carolina, attended, and took his seat.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 391. The indorsement states it was referred to Mr. [Ezekiel] Cornell, Mr. [Theodorick] Bland, Mr. [Noble Wimberly] Jones and on June 11 the committee discharged.

On some date approximating this the petition of the Officers of the Staff in the State of New York, dated Albany, May 11, 1782, was presented probably. A certificate of their employment is dated Albany, May 28. The indorsement fails to show what action was taken. It is in No. 42, VI, folio 55.

<sup>2</sup> The original is in the *Papers of the Continental Congress*, Rhode Island, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

A letter, of this day, from the Secretary at War, being read,

On motion of Mr. [Abraham] Clark, seconded by Mr. [Theodorick] Bland,

*Ordered*, That the Secretary at War call in all the British soldiers, prisoners of war to the United States, who have been permitted to go out to work with the inhabitants, and that for the future no such permission be granted to such prisoners.<sup>1</sup>

On motion of Mr. [David] Ramsay, seconded by Mr. [Ezekiel] Cornell—

*Resolved*, That the Secretary at War and Superintendent of finance be directed to take such means as they may think proper to convey in the speediest manner, by land or by water, cloathing and other necessities to the southern army.

~~And that the Superintendent of finance be directed to apply any specie (not specially appropriated by Congress) in his hands or under his direction to this purpose.~~<sup>2</sup>

*Ordered*, That so much of a memorial of the Minister of France of 25 May, and the letter from Count de Vergennes to Dr. Franklin dated 8th June, 1781, as relate to Mr. Touzard and the suspension of the payment of interest of certificates, be referred to the Superintendent of finance.<sup>3</sup>

<sup>1</sup> This motion, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 36, I, folio 325. The Secretary at War's letter is in No. 149, I, folio 395.

<sup>2</sup> This motion, the first paragraph in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 36, I, folio 319. The resolution was not entered in the Public Journal, but is in the manuscript Secret (Domestic) Journal, and in Secret Journal No. 4. A copy is in Secret Journal, No. 6, Vol. III.

<sup>3</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.



[MONDAY, JUNE 10, 1782]

[Report of Secretary at War, on the arrangement of the Hospital Department.]

WAR OFFICE *June 7<sup>th</sup> 1782.*

SIR,

I have, in obedience to the orders of Congress, conferred with the Superintendant of Finance on the report of your Committee respecting the Hospital Department and find it is agreeable to him—

As the Purveyor wishes that the Officers acting immediately under him should be of the same grade—he requests that he may be allowed to appoint three clerks one of whom will have the charge of the store to be kept near the Army—

He also requests that there may be no distinct allowance of subsistence for himself and the Apothecary, but that the sum intended as subsistence be added to their pay—

I wish the Purveyor's requisitions may be complied with and that the system, as it will then stand, should be adopted<sup>1</sup>

TUESDAY, JUNE 11, 1782

Mr. [Ezekiel] Cornell, a delegate for the state of Rhode Island and Providence Plantations, produced the credentials of his appointment, by which it appears, that at the general election held at Newport, within and for the said State, on the first Wednesday in May, he was chosen to represent the said State in the Congress of the United States of America, for one year, and until another shall be sent forward to take his place.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 22, folio 81. The indorsement says it was read on this date.

On June 10, according to the indorsement, was read a letter of June 5 from General W. Smallwood, enclosing one of same date from Lieutenant Levacher de Vaubrun, asking for a furlough to visit France. They were referred to the Secretary at War. General Smallwood's letter is in No. 161, folio 183, and de Vaubrun's is in No. 78, XXIII, folio 191.

Also a memorial dated June 5 from Oliver Hanchett was referred to the Secretary at War. It is in No. 149, I, folio 447.

State of Rhode-Island, and Providence Plantations.

I Henry Ward, of Providence, in the State afores<sup>d</sup> Secretary, and Publick Notary of the said State, do hereby certify, That at the General Election held at Newport, within and for the said State, on the First Wednesday in May instant, the Hon'ble Ezekiel Cornell was chosen to represent the same State in the Congress of the United States of America, now sitting at Philadelphia, or wherever the same may sit, for One Year, and until another shall be sent forward to take his Place.

Witness my Hand this Fourteenth Day of May A. D. 1782 and in the Sixth Year of Independence.

HENRY WARD <sup>1</sup>

On a report from the war office, on a letter from Lieutenant Levacher de Vaubrun, requesting leave to revisit his native country:

WAR OFFICE June 11<sup>th</sup>, 1782.

SIR,

On the letter from Lieutenant Levacher de Vaubrun of the Maryland line requesting leave of absence for a reasonable time to revisit his native Country, accompanied by a letter from General Smallwood representing Lieutenant Vaubrun's merit as an Officer, and reporting that his services may be dispensed with for such time as Congress shall think proper to indulge him, I beg leave to submit the propriety of granting a furlough to Lieutenant Levacher de Vaubrun for ten months, for the purpose of returning to France to visit his friends—at the expiration of which term he will rejoin his Regiment<sup>2</sup>

*Resolved*, That a furlough for ten months be granted to Lieutenant Levacher de Vaubrun, for the purpose of revisiting his native country.

[Motion of M<sup>r</sup> James Madison Seconded by M<sup>r</sup> John Morin Scott June 10, 1782. Referred to M<sup>r</sup> James Madison M<sup>r</sup> Ezekiel Cornell M<sup>r</sup> Elias Boudinot. Read June 11<sup>th</sup> 1782. Postponed for the purpose of taking up a motion of M<sup>r</sup> Arthur Middleton.]

*Resolved*, That the Secretary at War be authorised and directed to make such reduction of the rations to be issued after the first day of July next to Prisoners of War in the possession of the United

<sup>1</sup> The original is in the *Papers of the Continental Congress*, Rhode Island, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 399.

States as the interests of the United States shall require, and the preservation of the said prisoners will admit.

That the said reduction be continued until adequate measures be taken on the part of the Enemy for liquidating and discharging the arrears due to the United States for the past subsistence of prisoners of war and for supplying regularly the expence necessary for their subsistence in future.

That the Secretary at War be authorised to grant proper permits for the conveyance of supplies of provisions for the aforesaid Prisoners from within the lines of the Enemy.

That the said Secretary and the Superintendant of Finance be authorised to take the requisite measures for remitting supplies of provisions to the citizens of the United States prisoners within the lines of the Enemy.<sup>1</sup>

[Mr Arthur Middleton's motion in lieu of a report on Mr James Madison's motion. June 11, 1782. Referred to Mr Elias Boudinot Mr Samuel John Atlee Mr John Lowell.]

*Resolved*, That the Commander in Chief be instructed to make a demand upon Sir Guy Carleton, to discharge the arrears due to the United States, for the maintenance of the British prisoners, and to advance monthly the sums necessary for their support and that he inform the British Commander that unless the demand is forthwith complied with the United States are resolved to take such measures respecting the prisoners as will be less burthensome, and may appear most beneficial for the public interest and that the Superintendant of Finance, Secretary of War and Commissary of Prisoners furnish the Commander in Chief with the Acc<sup>ts</sup> stated and the ballance struck for the purpose of making such demand.<sup>2</sup>

### WEDNESDAY, JUNE 12, 1782

Dr. J[ohn] Witherspoon, a delegate for the State of New Jersey, attended, and produced his credentials, by which it appears, that on the 30 of May last, at a joint meeting of the council and assembly of the said State, he was elected to

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 323.

<sup>2</sup> This motion, in the writing of Arthur Middleton, is in the *Papers of the Continental Congress*, No. 36, I, folio 317.

represent that State in Congress until the 5th day of November next.

## STATE OF NEW JERSEY,

May 30th, 1782.

The Council and Assembly met in Joint Meeting and proceeded to the Election of a Delegate to represent this State in Congress when The Hon<sup>ble</sup> John Witherspoon was duly elected.

*Resolved*, That Doctor John Witherspoon be empowered in conjunction with the Hon<sup>ble</sup> Abraham Clark, Silas Condict, Elias Boudinot & Jonathan Elmer Esquires or either of them to represent and vote in behalf of this State in the Congress of the United States of North America until the fifth day of November next. It is expected that three of the Delegates do constantly attend in Congress unless prevented by sickness or other accident.

By order of the Joint Meeting

JN<sup>o</sup> STEVENS *Chairman* <sup>1</sup>

On a report of a committee consisting of Mr. B[enjamin] Huntington, Mr. [Elias] Boudinot, and Mr. [Turbett] Wright, to whom was referred a report of the Superintendant of finance, as agent of marine:

*Resolved*, That for the future, a marine court of enquiry or court-martial for enquiring into or trying of all capital cases, shall consist of at least five commissioned navy and marine officers, two of whom shall be captains, and in all cases not capital it shall consist of three such officers, one of whom shall be a captain in the navy of the United States:

That any captain in the navy of the United States be, and hereby is authorised to appoint a court-martial for the trial of offences committed by any other than a commissioned officer; provided that no warrant officer be thereby cashiered, without the confirmation of the proceedings of such court by the secretary or agent of marine or other person doing the duty of that office:

That where a court of enquiry or court-martial is to be appointed for enquiring into the conduct of or for trying a

<sup>1</sup> The original is in the *Papers of the Continental Congress*, New Jersey, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

commissioned officer, the same shall be done by the secretary or agent of marine or other person doing the duty of that office: provided always, that no sentence of a court-martial, on a capital offence, shall be executed until approved by the agent of marine, or other person doing duty in that office.<sup>1</sup>

The Committee of the Week, [Mr. Ralph Izard, Mr. David Howell, Mr. Thomas McKean], report, That the memorial of Captain I. A.<sup>tes</sup> D. Florat be referred to the Secretary at War, who is to report thereon.

That the memorial of Doctor Nicholas Noel be referred to a special Committee.

That the letter of J. R. Stevenson be referred to the Agent of Marine.<sup>2</sup>

[Motion of Mr Ezekiel Cornell June 12, 1782.]

The expence arising to the United States by keeping in full pay a large number of Officers that cannot have any command in the field for want of a sufficient number of Troops, is more than they are able to pay, Wherefore,

*Resolved*, That the Commander in Chief and the commanding officers of the Southern Army take measures to have in the field by the first day of August next as many officers as they shall think necessary for the command of the Troops in actual service at that time and for the service of the several staff departments, and that all the remainder of the officers be considered as on half pay without any other allowances until they shall be called into actual service or the further order of Congress.<sup>3</sup>

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 28, folio 239. The first resolution was slightly modified in Congress. A copy in the form adopted, in the writing of Charles Thomson, is on folio 237<sup>b</sup>. The final proviso in the writing of Turbett Wright is on folio 237<sup>a</sup>.

<sup>2</sup> This report, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 32, folio 361. The indorsement states that it was passed on this day. Dr. Noel's memorial is in No. 41, VII, folio 83, and was referred to Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood and Mr. [Theodorick] Bland.

The memorial of Captain I. A. De Florat, dated Philadelphia, June 6, is in No. 41, III, folio 264.

<sup>3</sup> This motion, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 36, I, folio 315. The indorsement shows it was offered this day.

## THURSDAY, JUNE 13, 1782.

The United States in Congress assembled, having received a letter from his Most Christian Majesty, dated March 3d, 1782, giving information of the death of the Princess Sophia Philippina Elizabeth Justina of France, agreed to the following answer:

The United States in Congress assembled, to their great, faithful and beloved friend and ally, Lewis the sixteenth, king of France and Navarre.

GREAT, FAITHFUL AND BELOVED FRIEND AND ALLY,

We learn with extreme grief, an event which has disturbed your majesty's felicity; and unite with you in offering that tribute of sorrow to the memory of your most dear and beloved aunt, the Princess Sophia Philippina Elizabeth Justina of France, which is due, as well to the eminent virtues she possessed, as to the relation in which she stood to your Majesty. We trust that our sensibility on this occasion will be considered as a fresh proof of the interest we take in every event which may affect your Majesty; and that our sincere condolence when such afflictions as are the lot of humanity put it out of our power to offer more effectual consolation, will evince our earnest desire on every occasion to contribute to Your Majesty's happiness.

We pray God, dear, great, faithful friend and ally, always to preserve and keep you under his holy protection.

Done at Philadelphia, the 13th day of June in the year of our Lord 1782, and in the sixth year of our Independence. By the United States in Congress



assembled. Your Majesty's faithful friends and allies.<sup>1</sup>

[Report of the Secretary at War on a motion of the Delegates of Virginia for providing a cork leg for an officer, June 13, 1782.]

His Excellency The PRESIDENT OF CONGRESS.

WAR OFFICE, *June 13, 1782.*

SIR,

On a motion of the honorable Delegates from Virginia to provide at the public expence, a cork leg for Captain Cooper of the invalids, referred to the Secretary at War, I beg leave to lay before Congress an official report of the occasion on which Captain Cooper lost his leg, and to observe that from this circumstance Captain Cooper has no other claim to the public bounty, in this instance, than what arises from a consideration of his former services, his present indigent circumstances, and remote situation from his friends.

The sense of the house taken that the Secy: at War may advance to Cap<sup>t</sup> Cooper 16 dollars in part of his pay—

Passed in the affirmative<sup>2</sup>

The Superintendant of Finance to whom was referred the motion of Mr [Elias] Boudinot begs leave to report the following Resolutions.

That a Commissioner be appointed to settle the accounts of the loan officers, in like manner with those directed to be appointed by the Act of the twenty seventh of February last and that the said Commissioner have like authority and salary with those to be appointed by the said Act.

<sup>1</sup>A copy of this letter is in the *Papers of the Continental Congress*, No. 49, folio 33. It is printed in the *Diplomatic Correspondence of the American Revolution* (Wharton), V, 490.

The proceedings for this day were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal, No. 6, Vol. III.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 19, I, folio 599. The action of Congress is indorsed on the report. The official report from Mathew McConnell, Captain of Invalids, is on folio 603. It states that Cooper lost his leg by a wound received in fighting a duel.

That no more bills of Exchange be drawn or issued for the interest of loan office certificates; but that the said interest  
**Postponed.** be paid out of the revenues to be granted by the several States for funding the public debts.<sup>1</sup>

*Ordered*, That a letter, of June 11th, from the Superintendent of finance informing that there is no further use for a copper plate printer or inspectors of the press, be referred to him to take order.<sup>2</sup>

#### FRIDAY, JUNE 14, 1782

The committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood, and Mr. [Theodorick] Bland, to whom was referred a memorial of Dr. N. Noel, claiming to have been in the service of the United States until the first of October, 1780, and soliciting pay, report,

“That upon duly considering the said memorial and the resolutions of the 13th of October, the 7 and 14 November, 1777, they are of opinion, that if nothing further appeared to operate against the claim of the memorialist than what is contained in the said resolutions, he is precluded from any demands against the United States. But when the committee consider that the memorialist, upon receipt of the sums specified in the resolutions of ~~October and~~ November above-mentioned, considering himself no longer in the service of the United States by virtue of his commission of surgeon, dated September, 1777, on which he grounds his claim, immediately repaired to Boston and accepted an appoint-

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 137, I, folio 551. The first paragraph was referred to a committee, the latter paragraph was postponed, the indorsement states. A copy of the first paragraph, in the writing of Charles Thomson, is in No. 29, folio 203. The committee, given in Committee Book No. 186, and in No. 29, folio 204, was composed of Mr. [Abraham] Clark, Mr. [David] Howell and Mr. [Benjamin] Huntington.

<sup>2</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

On this day, according to the indorsement, was read a letter of General Washington, dated Head Quarters, June 6. It was referred to Mr. [John Morin] Scott, Mr. [Elias] Boudinot, Mr. [David] Ramsay. It is in the *Papers of the Continental Congress*, No. 152, X, folio 581.

ment in the navy, and obtained a warrant dated 1 January, 1778, and when they consider farther that whatever might have been his intention, the memorialist's acceptance of the latter appointment, did by virtue of the resolution of 18 September, 1776, vacate the former commission and appointment, the committee are clearly of opinion, that the memorial of Dr. Noel ought to be dismissed." <sup>1</sup>

The report being read:

*Resolved*, That Congress agree to the said report.

On the report of a committee, consisting of Mr. [John Morin] Scott, Mr. [Elias] Boudinot, and Mr. [David] Ramsay, to whom was referred a letter of 6 June, from General Washington, with sundry papers relative to his proceedings in consequence of the resolution of the legislature of South Carolina "~~instructing their delegates to apply to Congress to obtain flags from the commander in chief of the British army for the inhabitants of that State, particularly the women and children who have been sent from that State, to return with their baggage to the State or as near to it as possible, and that the flags be at the enemy's expence~~" of the 14th of February, 1782, which was referred to him on the 3d of April last, Congress came to the following resolution:

Whereas British officers, commanding in South Carolina, compelled many of the inhabitants thereof to leave that State ~~at their own expence~~ who by the capitulation of Charlestown had a right to remain at their homes; and whereas, it is just and reasonable, agreeably to the usages of war among civilized nations, that persons so sent off should be returned with their servants and baggage at the expence of the ~~King of Great Britain~~ power so sending them off; and whereas, on the requisition of General Washington, in consequence of a resolution of the legislature of the State of South Carolina referred to him by Congress, Sir Guy

<sup>1</sup> This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 19, IV, folio 513.

Carleton has agreed to furnish ~~passports~~ transports and flags at the expence of the King of Great Britain, for the conveyance of the said inhabitants to any port General Washington may be pleased to point out; therefore,

~~Resolved, That the delegates of South Carolina be authorized to furnish the Secretary at War with the names of such of the aforesaid persons, who chuse to be reconveyed by water with their servants and baggage to any of the Southern ports in or near the State of South Carolina, and that the Secretary at War do transmit the list of such persons to the Commander in Chief who is hereby instructed to take order that the said measure may be carried into execution.~~

~~That General Washington's letter be referred to the Delegates of South Carolina, and that they be desired to send to the General the names of the persons of their country who chuse the manner of conveyance referred to in it and to point out the ports most convenient for their landing in order to carry them to their homes or to their friends.~~<sup>1</sup>

*Resolved*, That the Secretary at War be directed to obtain lists of the names of the persons referred to in the resolution the assembly of South Carolina, and of the ports to which they choose to be conveyed, and transmit the same to the Commander in Chief.<sup>1</sup>

The Committee to whom Gen<sup>l</sup> Washington's letter of the      was referred, do report the following resolutions:

Whereas many of the inhabitants of the State of South Carolina have been sent out of the said State by the enemy, to divers distant parts of these States, in direct breach of the capitulation of Charles Town, whereby they are justly entitled, agreeably to the rules of War, among civilized Nations, to be returned with their baggage to the said State, by convenient water carriage at the expence of the King of Great Britain; And whereas on the application of his Excellency General Washington, the British Commander in Chief at New York hath agreed to make proper provision for this purpose at the said King's Expence—

<sup>1</sup> This report, in the writing of Alexander Hamilton, except the last two paragraphs, which are in John Witherspoon's writing, is in the *Papers of the Continental Congress*, No. 19, VI, folios 393 and 397.

*Therefore, Resolved*, That General Washington take order for procuring from the British General the necessary passports, and the proper means of re-conveying back to the State of South Carolina, by water carriage at the expence of the King of Great Britain, the persons, families and baggage of those of the inhabitants of the said State who are entitled to the benefit of the capitulation of Charles Town and who have been sent from that State to other distant parts of these States by order of the Commanding Officer of the British Troops in Charles Town;

*Resolved*, That the Secretary of War do transmit to General Washington the names of all such persons as are mentioned in the foregoing resolution, who are desirous of taking advantage of the provision therein mentioned.<sup>1</sup>

The Committee [Mr. John Lowell, Mr. Samuel Wharton and Mr. Abraham Clark] to whom was referred the Salaries for Foreign Ministers recommend the following Resolutions *vid*l.

That the Minister Plenipotentiary from the U. S. at the Court of Versailles, be allowed from and after the first day of January next, in full for his Salary, Household and all other expences whatsoever, at the rate of eight thousand Spanish Milled Dollars per annum, and that the Secretary of the Embassy, and the private Secretary of the Minister Plenipotentiary be included within his Household.

That the Salary of the Secretary of the embassy and *Chargé des affaires* at the Court of Versailles be from and after his arrival at the said Court at the Rate of twelve hundred Spanish Milled Dollars per annum.

That the Salary of the private Secretary of the Minister Plenipotentiary at the Court of Versailles, be from and after the first January next, at the rate of five hundred Spanish Milled Dollars per annum.

That the Respective Ministers Plenipotentiary from the United States at the Courts of Madrid and the Hague be allowed from and after the first day of January next, in full for their several Salaries, Household and all other expences whatsoever at the rate of seven thousand Spanish Milled dollars each per annum, and that the private Secretary of each of the said Ministers Plenipotentiary be included within their respective Households.

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, VI, 395. It is undated, but is filed with the report that was passed. See pp. 330 and 331.

That the Ministers Plenipotentiary at the said Courts of Madrid and the Hague, be each of them authorised to appoint a private Secretary, with a salary at the rate of five hundred Spanish Milled Dollars per annum.

That the Minister Plenipotentiary for negotiating a peace *prior* to the commencement of such negotiation be allowed in full for his Salary, Household and all other expences whatsoever, at the rate of four thousand five hundred Spanish milled Dollars per annum, ~~unless the said Minister Plenipotentiary receive at the same time, or be entitled to receive, from the United States, the salary, Household and other expences of a Minister Plenipotentiary at any Court.~~

That the said Minister Plenipotentiary be allowed from and after such Negotiation for Peace is *opened* and *begun* at the rate of ~~fifteen~~ twenty five hundred Spanish Milled Dollars per annum over and above four thousand and five hundred Dollars mentioned and provided in the last article ~~and under the provision therein made~~, provided that in case the Minister Plenipotentiary for negotiating a peace shall at any time be a Minister Plenipotentiary to either of the Courts aforesaid, he shall be entitled to receive only the salary and other emoluments annexed to his character of Minister Plenipotentiary to his proper Court.

That the Minister at Petersburg be allowed *prior* to his acknowledgment in that character, from and after the first day of January next, at the rate of three thousand five hundred Spanish Milled Dollars per annum in full for his salary, Household and all other expences whatsoever, and that the said Minister be allowed *subsequent* to his said acknowledgment at the rate of ~~three~~ five thousand five hundred Spanish milled dollars per annum.<sup>1</sup>

<sup>1</sup> This report, in the writing of Samuel Wharton, is in the *Papers of the Continental Congress*, No. 25, II, folio 106. According to the indorsement, it was read on this day.

On this day, according to the indorsement, was read a letter of June 7 from the Governor of Connecticut enclosing a copy of an Act passed by that State, empowering the United States in Congress assembled to levy certain duties in the State and appropriate the same. They are in No. 66, II, folios 236 and 240.

On this day, according to Committee Book No. 186, a committee was appointed "to devise and report ways and means to prevent an illicit trade with the enemy." The committee consisted of Mr. [Samuel] Osgood, Mr. [David] Howell, Mr. [Benjamin] Huntington, Mr. [John Morin] Scott, Mr. [Abraham] Clark, Mr. [Thomas] Smith, Mr. [Samuel] Wharton, Mr. [Turbett] Wright, Mr. [James] Madison, Mr. [Ralph] Izard, and Mr. [Noble Wimberly] Jones. On June 17, this committee was "discharged on a motion of Mr. Madison and the business referred to a committee of five"—Mr. [James] Madison, Mr. [John] Lowell, Mr. [John Morin] Scott, Mr. [Samuel] Wharton, and Mr. [John] Witherspoon. See *post* June 21.



MONDAY, JUNE 17, 1782

On the report of a committee, consisting of Mr. [James] Madison, Mr. [John] Witherspoon, Mr. [Ralph] Izard, to whom was referred a motion of Mr. [James] Madison, Congress agreed to the following resolution:

It being expedient, as well for the justification of such of the principals of the civil departments immediately under Congress, who duly administer the same, as for the more certain detection of such as may violate in any manner the important trusts consigned to them, that periodical and exact enquiries into their respective administrations be instituted: it is hereby

*Resolved*, That ~~every half beginning with the first day of August next~~ on the first Monday in July and the first Monday in January in every year, five committees composed each of five members, shall be appointed; which committees shall have it in charge to enquire fully, one of them, into the proceedings of the department of finance, including the ~~offices of Treasurer, Controller and Auditors of Accounts~~ several branches of the same; another into the proceedings of the department of foreign affairs; another of the department of war; another of the department of marine; another of the post office; and to report the result of their respective enquiries to Congress.<sup>1</sup>

The Committee to whom the report of the Com<sup>rs</sup> for settling a Cartel &c and Gen<sup>l</sup> Washington's letter thereon were referred, report the following resolution:

It having pleased the Supreme Arbiter of all human events to succeed the united exertions of these States, by establishing and giving firmness to their Sovereignty and Independence; and it appearing that many of the Citizens of these States, during this arduous struggle have been so far deceived and deluded by the most insidious and artful practices as to enter into the service and join the Armies of the King of Great Britain, ~~in opposition to their Country and intimate~~

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 28, folio 321. A copy is in *Reports of Committees*, No. 188.

~~connections~~ many of whom, being now convinced of their error and the wickedness of their conduct, have expressed their sorrow and repentance for their past folly and earnestly desire to return to their former allegiance, provided their persons may be exempt from the punishment due to their crimes, and Congress being ever willing to shew compassion to real penitents whose errors have been founded in ignorance, timidity or imposition, do resolve

That it be and it is hereby earnestly recommended to the respective States in the Union, to pass acts of pardon and oblivion in favor of such persons and description of offenders, who have heretofore joined or adhered to the armies of the King of Great Britain, under such restrictions, provisoes, conditions and limitations as to the Legislature of the respective States may seem meet and advancive of the Peace, Safety and Interests of these United States.<sup>1</sup>

The Committee [Mr James Madison, Mr Ezekiel Cornell, Mr Elias Boudinot] to whom the Report of the Commissioners for settling a Cartel &c. and also the Motions of Messrs. [James] Madison and [Arthur] Middleton were referred, Report,

That it appears to your Committee that the British Commissioners did refuse to accede to any measures for liquidating the accounts of past expenditures for the feeding of prisoners of war, or to make any provision for their future support.

That although by the articles of capitulation of York Town, the Capitulants were to be supplied with the same rations as were issued to our own soldiers, yet on every rational and known rule of construction, it must have been understood that the same was to have been done at the expence of the enemy, therefore,

*Resolved*, That His Excellency the Commander in Chief be instructed to acquaint the British General, that unless proper measures are taken for the payment of the Rations to be issued to the British Prisoners of War in possession of the United States, under the capitulation of York Town, as also for payment of the rations already issued to them, and that on or before the first day of August next, that orders will be given for reducing the ration to be issued in future to said Prisoners in such manner as Congress shall direct.

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 24, folio 57. It is indorsed: June 17, 1782, report of Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee, Mr. [John] Lowell. On June 21, according to the indorsement, it was recommitted and Mr. [Ralph] Izard and Mr. [William] Few added. See post June 19 and July 9.

*Resolved*, That it be a secret instruction to the Commander in Chief whenever it shall be in his power without appearing to be the first mover of it, to endeavour to bring about another appointment of Commissioners for the same purposes and with the similar powers as are contained in the Commissions under which the above report was made.<sup>1</sup>

[Motion of Mr Abraham Clark Mr Arthur Middleton, June 17, 1782.

Referred to Mr Abraham Clark Mr Thomas McKean Mr Theodorick Bland.]

That the Superintendent of Finance be directed to cause the receivers of Continental taxes in the several States to discontinue their publications of monies received as well as where none was received, as a measure tending to discredit our public funds, and give offence to the delinquent States.<sup>2</sup>

[Motion of Mr John Witherspoon Mr James Madison June 17, 1782.

Passed in the Negative 5 ayes 4 noes one div.<sup>4</sup>]

That a Committee be appointed to prepare and report to Congress the information and instructions proper to be transmitted to the Ministers Plenipotentiary for negotiating peace the better to enable them to support the several claims of the United States not included in their ultimatum.<sup>3</sup>

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 28, folio 77. It was read on this day, as the indorsement shows.

The following, in Elias Boudinot's writing, is on folio 79, being undated:

That notwithstanding Congress have advanced very large sums of money for the support of the Prisoners of War, yet the enemy do positively refuse either to settle the past accounts for rations issued to such prisoners or to make any advances for their future support, whereby a most unreasonable expence is cast on the United States without any prospect of being reimbursed.

<sup>2</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 36, I, folio 339.

<sup>3</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 345.

On this day, according to the indorsement, was read a Memorial of Simeon DeWitt, geographer to the United States, dated Philadelphia, June 14, 1782, asking that his pay be fixed. It was referred to Mr. [Ezekiel] Cornell, Mr. [John] Lowell, Mr. [Theodorick] Bland, Mr. [Elias] Boudinot, Mr. [Turbett] Wright, Mr. [Thomas] Smith, Mr. [James] Madison, the committee appointed to consider and report the means of reducing the expenditures of the United States in the several departments. It is in No. 41, II, folio 475.

## WEDNESDAY, JUNE 19, 1782

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [Thomas] McKean, and Mr. [Turbett] Wright, to whom was referred a letter of 17 from E. Hazard, post-master general, giving information that the southern post was robbed of his mail, on Sunday the 16, within five miles of Harford, in the State of Maryland:

*Resolved*, That the executives of the States of New Jersey, Pennsylvania, Delaware and Maryland, be, and they are hereby requested to pursue the most likely measures, by offering proper rewards, at the expence of the United States, and otherwise, for recovering the mail, and bringing the robbers to due punishment.<sup>1</sup>

[Report of Committee Mr Elias Boudinot Mr Samuel John Atlee, Mr John Lowell, Empowering the Commander in Chief to go into a partial exchange of Prisoners.]

The Committee to whom was referred the Report of the Commissioners for settling a Cartel &c. and Genl. Washington's Letter, Report the following Resolution:

*Resolved*, That the Commander in Chief be authorised to take order for the partial exchange of prisoners of war in such manner on such terms and at such times as to him may appear necessary for the good of the public service and benefit of the United States ~~until the further order of Congress~~ provided, that no exchange of general officers be made by composition, without the farther order of Congress.<sup>2</sup>

[Report of Mr John Witherspoon, Mr John Lowell, Mr Arthur Middleton.]

The Committee to whom was referred the memorial of Dr Arthur Lee beg leave to report the following resolution:

That the Superintendant of Finance draw a bill or bills on Dr Franklin to the amount of two thousand two hundred and thirty eight p<sup>cs</sup>

<sup>1</sup> Hazard's letter is in the *Papers of the Continental Congress*, No. 61, folio 113. The report, in the writing of James Madison, is on folio 507.

<sup>2</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 23, folio 81. The indorsement shows that it was read on this day; postponed; on July 29, referred to a committee composed of Mr. [John] Lowell, Mr. [Ezekiel] Cornell and Mr. [James] Madison, and acted on August 12, 1782.

17/9d being the balance settled and found due to M<sup>r</sup> Lee from the United States with interest from the time of settling his accounts and that the certificates given to M<sup>r</sup> Lee for that balance be cancelled.<sup>1</sup>

#### THURSDAY, JUNE 20, 1782

Mr. John Taylor Gilman, a delegate for the State of New Hampshire, attended and produced his credentials, by which it appears that on the 15th January, 1782, he was appointed by the legislature to represent that State until the first day of November next.

State of New Hampshire } In the House of Representatives Jan<sup>ry</sup> 15<sup>th</sup> 1782

Voted that M<sup>r</sup> John Taylor Gilman be and he hereby is appointed a Delegate to represent this State in the Continental Congress untill the first day of November next, unless sooner relieved or recalled by the General Assembly of this State with all the Powers & Privileges which other Delegates from this State have heretofore had and enjoyed agreeably to the Confederation of the United States.

Sent up for Concurrence.

JOHN DUDLEY *Speaker P. T.*

In Council the same day,

Read and Concurred.

JOSEPH PEARSON *Dep. Sec<sup>y</sup>*

Copy Exa<sup>d</sup>

by JOSEPH PEARSON *D Sec<sup>y</sup> 2*

On the report of the secretary of the United States in Congress assembled, to whom were referred the several reports on the device for a great seal, to take order:

The device for an armorial atchievement and reverse of the great seal for the United States in Congress assembled, is as follows:

<sup>1</sup> This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 137, II, folio 5. It was read this day, as the indorsement shows, and referred to the Superintendent of Finance.

<sup>2</sup> The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

ARMS. Paleways of thirteen pieces, argent and gules; a chief, azure; the escutcheon on the breast of the American bald eagle displayed proper, holding in his dexter talon an olive branch, and in his sinister a bundle of thirteen arrows, all proper, and in his beak a scroll, inscribed with this motto, "*E pluribus Unum.*"

For the CREST. Over the head of the eagle, which appears above the escutcheon, a glory, or, breaking through a cloud, proper, and surrounding thirteen stars, forming a constellation, argent, on an azure field.

REVERSE. A pyramid unfinished. In the zenith, an eye in a triangle, surrounded with a glory proper. Over the eye these words, "*Annuit Cœptis.*" On the base of the pyramid the numerical letters MDCCLXXVI. And underneath the following motto, "*Novus Ordo Seclorum.*"

Remarks and explanation:

The escutcheon is composed of the Chief and pale, the two most honorable ordinaries. The pieces, paly, represent the several States all joined in one solid compact entire, supporting a Chief which unites the whole and represents Congress. The motto alludes to this Union. The pales in the Arms are kept closely united by the Chief and the Chief depends on that union, and the strength resulting from it for its support, to denote the Confederacy of the United States of America, and the preservation of their Union through Congress. The colours of the pales are those used in the flag of the United States of America. White signifies purity and innocence. Red hardiness and valour and Blue the colour of the Chief signifies vigilance perseverance and justice. The Olive Branch and arrows denote the power of peace and war which is exclusively vested in Congress. The Constellation denotes a new State taking its place and rank among other sovereign powers. The escutcheon is borne on the breast of an American Eagle without any other supporters, to denote that the United States of America ought to rely on their own virtue.

Reverse: The Pyramid signifies strength and duration. The eye over it and the motto allude to the many signal interpositions of providence in favour of the American cause. The date underneath is that of the Declaration of Independence, and the words under it



signify the beginning of the new American Era, which commences from that date.<sup>1</sup>

The Committee [Mr. Philemon Dickinson, Mr. Arthur Middleton, and Mr. Ezekiel Cornell] to whom was referred a letter from Governor Hancock of May 6<sup>th</sup>, 1782,

Having considered the allowance made to Henry Lawrence Esq. by a Resolution of Congress of the 12<sup>th</sup> November 1779, amounting to 35,000 Dollars for 13 months for his extra Household Expences as President of Congress which being about 32,000 dollars per Annum, reduced agreeable to the scale of depreciation of Pennsylvania amounts to 833 dollars in *specie* per annum;

Therefore, report that the like allowance of 833 dollars *specie* per annum be made to Governor Hancock during the time he was President of Congress.<sup>2</sup>

#### FRIDAY, JUNE 21, 1782

On the report of a committee, consisting of Mr. [James] Madison, Mr. [John] Lowell, Mr. [John Morin] Scott, Mr. [Samuel] Wharton, and Mr. [John] Witherspoon, to whom was re-committed their report on a motion of Mr. [James] Madison, Congress passed the following act:

<sup>1</sup> This report, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 23, folio 113. It was adapted from a report by William Barton which was, in its turn, an "improvement on the Secretary's device," as the indorsement states. It is on folio 131. The Secretary's device is on folio 179, the drawing accompanying it being on folio 180. The first device offered by Barton is on folio 137. His second was approved by the committee, reported to Congress May 9, 1782, and referred to the Secretary of Congress to take order June 13, as the indorsement shows. It is on folio 181, the drawing accompanying it, and the indorsement, being on folio 117.

<sup>2</sup> This report, in the writing of Philemon Dickinson, is in the *Papers of the Continental Congress*, No. 19, III, folio 19. The indorsement shows it was read June 20, and postponed; and was referred March 3, 1783, to Mr. [Daniel] Carroll, Mr. [Nathaniel] Gorham, and Mr. [John] Rutledge.

On this day, as the indorsement shows, a letter of 14 February, from Oliver Pollock, was read. It is in No. 50, folio 275. Also one of May 3 from Oliver Pollock which is on folio 285.

Also, a communication from the Governor of Connecticut transmitting a plan for a prison for prisoners at war at Sinsbury mines, pursuant to a resolve of Congress of September 18, 1781, was referred to Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. [Theodorick] Bland, Mr. [Samuel John] Atlee, Mr. [John] Lowell. It is in No. 149, I, folios 325-331.

Whereas the enemy, having renounced the hope of accomplishing their designs against the United States by force alone, are resorting to every expedient which may tend to corrupt the patriotism of their citizens, or to weaken the foundation of the public credit: and in pursuance of this policy, are encouraging, to the utmost, a clandestine traffic between the inhabitants of this country and those who reside within the garrisons and places therein, now in their possession; and whereas some of the said inhabitants, prompted either by a sordid attachment to gain, or by a secret conspiracy with the enemies of their country, are wickedly engaged in carrying on this illicit traffic, whereby a market is provided for British merchandises, the circulating specie is exported from the United States, the payment of taxes rendered more difficult and burdensome to the people at large, and great discouragement occasioned to honest and lawful commerce:

*Resolved*, That it be and hereby is recommended to the legislatures of the several states, to adopt the most efficacious measures for suppressing all traffic and illicit intercourse between their respective citizens and the enemy.

*Resolved*, That the legislatures, or in case of their recess, the executives of the several states, be earnestly requested to impress, by every means in their power, on their respective citizens at large, the baneful consequences ~~which in the opinion of Congress will result from~~ apprehended by Congress from a continuance of this illicit and infamous traffic, and the necessity of their co-operating with the public measures by such united, patriotic and vigilant exertions as will detect and bring to legal punishment those who shall have been in any manner concerned therein.

~~*Resolved*, That in case the Commander in chief shall be of the opinion that any disposition can be made of the regular forces under his command which will, without interfering with military objects, aid in suppressing the pernicious traffic aforesaid, he be and hereby~~

~~is authorised and directed to make such disposition, and to distribute the articles which may be captured from the enemy, by the troops detached on such service, in such manner as he shall judge most conducive to the end proposed: provided always that this resolution shall not be so construed as to affect any rule touching captures or the division thereof, contained in an ordinance entitled An ordinance ascertaining what captures on water shall be lawful.<sup>1</sup>~~

On the report of a committee, consisting of Mr. [Theodorick] Bland, Mr. [Samuel] Osgood, and Mr. [David] Ramsay, appointed to confer with the Superintendent of finance and Secretary at War, on the practicability and means of procuring supplies for the southern army by contracts:

The Committee to whom was referred the resolution of Congress of the seventh of May 1782 respecting Contracts for the Southern Army have according to order conferred with the Superintendent of Finance, in which conference they were informed that he had empowered Gen<sup>l</sup> Green by letter of the 19th of December last to form such contracts; but that he had been informed by him and by Col. Carrington, that it was impracticable for the following reasons; first that the country near the army was so exhausted, that supplies could not be purchased, or procured there, without coercion; 2<sup>dly</sup> that the State of the Country is such, that supplies could not be brought from a distance, because of the want of forage and other resources in the space through which they must be conveyed which was from three to four hundred miles; 3<sup>dly</sup> that were it otherwise practicable, the public credit is so low, that no person would undertake the business in that quarter; and fourthly if even all these obstacles could be surmounted, the ration would come to so high a price, that no revenue we can expect to draw from the public would be equal to it. As an illustration of this position he observed that the transportation of a ton of flour 400 miles through the most fertile and flourishing parts of the Country, where it could be done with the greatest cheapness, certainty and facility would be at least sixty pounds Pennsylvania money. The Superintendent of Finance farther observed that the monies which have come into his hands, were very short of the objects to which they were to be applied; that much of them had been consumed in cloathing, accoutrements and other objects for

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 24, folio 53.

the general service applying to both armies and to the movements of which during the last campaign by the successes obtained in Virginia had rescued the Southern army from the most imminent danger. He farther observed, that were the forming of contracts for the Southern army practicable he had not the money, and could not enter into any farther engagements without risking a credit which was essential to the public safety. In reply to the observation of your Committee that "if contracts were made in one place, they ought to be made proportionately in other places," the Superintendant of finance observed that supplying by contract was when practicable the most economical and therefore he had been induced to do it, as far as he could. That his not having money to do it every where was no reason why it should not be done where it could and that contracts had been made as far as the funds in his power would permit where such contracts could be formed on economical terms.

On the whole your Committee submit the following resolutions.

*Resolved*, That the Superintendant of Finance in conjunction with the Secretary at War take such measures for affording supplies to the Southern army, as shall appear to them to be most practicable and effectual.

*Resolved*, That the Secretary at War institute an immediate enquiry into the reasons which have delayed the arrival of cloathing and other necessities which have already been provided and sent on to the southern army; and that he take every step in his power to discover the causes of delay, embezzlement, and other circumstances which have so frequently arrested the supplies for the southern army, and report thereon to Congress.

*Ordered*, That the Superintendant of finance report to Congress the causes which have prevented the southern army being supplied by contracts.<sup>1</sup>

~~That the British prisoners of war in Virginia and Pennsylvania any~~  
of the citizens of these states may be permitted to contract with any  
~~citizens of these states~~ British prisoner of war for the term of six or  
twelve months' service, on his depositing the sum of            in the  
Bank of North America, and producing a certificate thereof to the

<sup>1</sup> This report, in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 21, folio 267-270.

Commissary General of Prisoners, or one of his Deputies; which said sum shall be again repaid at any time when a certificate under the hand of any Deputy Commissary of prisoners, attesting the safe return of such prisoner of war, shall be produced to the Cashier of the said Bank.

That the Secretary at War, Commissary General of Prisoners, their Assistants or Deputies may and shall permit and suffer ~~all and~~ every prisoner of war now belonging to these United States, upon payment of twenty ~~British~~ French guineas for the use of the said States, or securing the payment thereof within six months with lawful interest, to contract with any person or persons whomsoever, to serve him, her or them for such term, as shall be mutually agreed upon between them, and shall be deemed sufficient to satisfy the said sum of money; and, after such contract and payment, such prisoner of war shall be discharged from his captivity, and may take the oath of Allegiance to, and become a citizen of, any of the said States, that he shall choose.

That when any of the said prisoners of war does not desire to become a citizen of these States, he may and shall be permitted to hire himself, to serve in such mystery or occupation as he understands, to any person or persons, who may be willing to employ him, for any term not exceeding one year; on such person or persons giving a sufficient bond or obligation in the penalty of forty ~~British~~ French guineas, conditioned for the re-delivery of such prisoner of war at the expiration of the time of his servitude to the proper Commissary or Deputy Commissary of prisoners, or for the payment of twenty guineas for such default.<sup>1</sup>

Report of the Committee of the Week [Mr. John Witherspoon, Mr. Henry Wynkoop, Mr. Benjamin Huntington] That the memorial of Chas. Roth late of Count Pulaski's Legion be referred to the ~~Superintendent of Finance~~ Secretary at War.<sup>2</sup>

<sup>1</sup> This motion, in the writing of Thomas McKean, is in the *Papers of the Continental Congress*, No. 28, folio 89. The indorsement shows that it was referred on this day to Mr. [Thomas] McKean, Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark.

<sup>2</sup> This report, in the writing of Henry Wynkoop, is in the *Papers of the Continental Congress*, No. 32, folio 363. The indorsement states that it was passed this day. Roth's petition, dated June —, 1782, is in No. 41, VIII, folio 320.

On this day, according to the indorsement, a letter from the Superintendent of Finance, dated June 20, was referred to Mr. [Samuel] Wharton, Mr. [James] Madison and Mr. [Samuel] Osgood. It is in No. 137, I, folio 559.



## MONDAY, JUNE 24, 1782

Mr. [James] Duane, a delegate for New York, attended and took his seat in Congress.

On a report from the Secretary at War, to whom was referred a memorial of Colonel James Livingston:

WAR OFFICE *June 24, 1782.*

SIR,

I have read with attention the memorial of Colonel James Livingston and find that the representations he has made of his services and sufferings are supported by the papers accompanying his memorial. As he is driven from his home and has no means of support, but what he may receive from Congress by virtue of their resolution of the 23<sup>rd</sup> October 1780, though the present state of our finances and the systems adopted may prevent a settlement of his pay, yet such are his peculiar circumstances as call for relief and will in my opinion fully justify his being permitted to draw a certain number of rations for which he should be charged. If Congress should approve of this sentiment they will please to resolve—

*Resolved*, That Colonel James Livingston be permitted to draw from the contractors at Albany daily, five rations of provisions for the support of himself and family, an account of which shall be transmitted by the comptroller to the war office, that he may be charged with such supplies.<sup>1</sup>

This being the day assigned for the appearance of the states of Pennsylvania and Connecticut, by their lawful agents, in pursuance of the notice transmitted to them agreeably to the resolution of the 14th of November last:

The State of Pennsylvania appeared by William Bradford, Joseph Reed, James Wilson, and Jonathan Dickinson Sergeant, esquires, counsellors and agents, and Henry Osborne, esq. solicitor, who produced their credentials, which were read in the words following, viz.

In the Name and by the Authority of the Freemen of the Commonwealth of Pennsylvania, His Excellency William Moore, Esquire,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 413.



president, and the Supreme Executive Council of the said Commonwealth:

[Seal] To William Bradford, Esquire, Attorney General of the said Commonwealth, Joseph Reed, James Wilson, Wm. Moore, Jonathan Dickinson Sergeant, and Henry Osborne, President. Esquires.

We, reposing especial Trust and Confidence in your Prudence, Integrity, and Abilities, do by these presents constitute and appoint you the said William Bradford, Joseph Reed, James Wilson and Jonathan Dickinson Sergeant, to be our Counsellors and Agents, and you the said Henry Osborne, to be our Solicitor in the Cause now pending before the United States of America in Congress Assembled, between the said Commonwealth of Pennsylvania and the State of Connecticut; Hereby ratifying and confirming all and whatsoever you our said Counsellors, Agents and Solicitor shall lawfully do or cause to be done, touching or concerning the said Cause between the said States of Pennsylvania and Connecticut.

Given by Order of the Council under the Hand of His Excellency, William Moore, Esquire, President, and the Seal of the State, at Philadelphia, this nineteenth Day of June, in the Year of our Lord, One thousand seven hundred eighty and two.

Attest.

T. MATLACK, *Secy.*<sup>1</sup>

Eliphalet Dyer, esq. laid before Congress the powers of agency from the State of Connecticut, which were read in the words and figures following:

L. S. "At a general assembly of the governor and company of the State of Connecticut, in America, holden at Hartford, in the said State, by adjournment, on the 10th day of January Anno Domini 1782.

"Whereas the United States in Congress assembled, by their order, passed the 14th day of November, 1781, have notified to this assembly, that pursuant to the 9th Article of the Confederation, the supreme executive council of the State of Pennsylvania have presented a petition to Congress, stating that a controversy has long subsisted between the said State of Pennsylvania and this State, respecting sundry lands lying within the northern boundary of the

<sup>1</sup> The original is in the *Papers of the Continental Congress, Pennsylvania, Credentials of Delegates.*

State of Pennsylvania; and praying for a hearing in pursuance of the 9th Article of Confederation, and that the fourth Monday in June next is assigned for the appearance of the said States of Pennsylvania and Connecticut by their lawful agents, in the place in which Congress shall then sit, to proceed in the premises as by the said Confederation is directed:

“*Resolved* by this assembly, That the honorable Eliphalet Dyer, William Samuel Johnson and Jesse Root, esqrs. or either two of them, be, and they are hereby appointed agents on behalf of this State, to appear before the United States in Congress assembled, to answer to the said petition, with full power and authority on behalf of this State, to agree with the agents for the State of Pennsylvania, in the nomination and appointment of commissioners to hear and finally determine the said controversy, and to do every thing necessary on the part of this State, respecting the appointment of such commissioners, pursuant to the Articles of Confederation, and also to appear before the said commissioners, and to do every thing necessary and proper for the vindication and defence of the claim and right of this State to the said lands in controversy, both with respect to the property and jurisdiction, and pursue the same to final judgment, with power to employ council learned in the law, as they shall judge needful.”

A true copy of record, examined by

GEORGE WYLLYS, *Secretary*.

The seal of the State affixed.

William Samuel Johnson and Jesse Root, esqrs. two of the agents mentioned in the powers of agency, did not appear.

Only one of the agents for Connecticut appearing, a motion was made by Mr. [Eliphalet] Dyer, seconded by Mr. [Benjamin] Huntington, that farther day be given.<sup>1</sup>

<sup>1</sup> On this day, according to the indorsement, was read a letter of May 18 from Major General Greene. It is in the *Papers of the Continental Congress*, No. 155, II, folio 441. Also, a letter from him of May 26, enclosing a resolution of the British House of Commons and the King's reply. It was referred to Mr. [James] Duane, Mr. [Ralph] Izard, Mr. [James] Madison. It is on folio 445.

TUESDAY, JUNE 25, 1782

The order of the day being called for by the State of Pennsylvania, to proceed on the business respecting the difference subsisting between the states of Pennsylvania and Connecticut, a motion was taken up which was yesterday made by Mr. [John] Lowell, seconded by Mr. [Samuel] Osgood, viz.

That in all disputes and differences between two or more states, concerning boundary, jurisdiction, or any other cause whatever, under the consideration of Congress, the delegates representing the several differing states, ought not, in any such cases, to sit as judges in any question to be decided relative to such dispute or difference.<sup>1</sup>

This being objected to in point of order:

On the question, is the motion in order? the yeas and nays being required by Mr. [John] Lowell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>			
Mr. Gilman,	ay	}	Mr. Smith,	no	}	no
<i>Massachusetts,</i>			Wynkoop,	no		
Mr. Osgood,	ay	}	<i>Delaware,</i>			
Lowell,	ay		Mr. Dickinson,	no	}	no
<i>Rhode Island,</i>			Wharton,	no		
Mr. Cornell,	ay	}	<i>Maryland,</i>			
Howell,	no		Mr. Hanson,	no	}	no
<i>Connecticut,</i>			Wright,	no		
Mr. Huntington,	ay	}	<i>Virginia,</i>			
Dyer,	ay		Mr. Madison,	no	}	no
<i>New York,</i>			Bland,	no		
Mr. Duane,	no	}	<i>South Carolina,</i>			
Scott,	no		Mr. Ramsay,	no	}	no
<i>New Jersey,</i>			Izard,	no		
Mr. Clark,	no	}	Middleton,	no	}	no
Boudinot,	no		<i>Georgia,</i>			
Condict,	no		Mr. Jones,	no		
Witherspoon,	no					

So it passed in the negative.

<sup>1</sup> This motion, in the writing of John Lowell, is in the *Papers of the Continental Congress*, No. 36, I, folio 341. The vote is indorsed on it.

The Committee of the Week [Mr. James Duane, Mr. John Taylor Gilman, Mr. Noble Wimberly Jones] beg leave to report as their opinion,

That the memorial of Peter Gansevoort, late a Colonel of the third New York Continental Regiment, praying that Congress will be pleased to reconsider his case and explain the effect of his appointment of Colonel Commandant in the Army of the United States by a distinct commission and to honor him with such orders and commands as they shall think, be referred to the Secretary at War to report his opinion thereof.

That the petition of Thomas Edison, praying for relief in reward of his services be referred to a special committee.

That the petition of sundry Masters of Vessels and others prisoners on parole in Philadelphia praying that some mode for a speedy Exchange may be adopted, be referred to a special committee.<sup>1</sup>

WAR OFFICE June 24th, 1782.

SIR,

I beg leave to lay before Congress the copy of a letter from Major General Heath to his Excellency General Washington also the copy of his Excellency's letter to me on the subject of appointing Brigadiers and to join in the request that a Brigadier may be appointed to command the third Massachusetts Brigade, one to command the Second Connecticut Brigade, and that one may be appointed to command the Jersey Line.

It may and probably will appear to Congress an extraordinary request that at a time when it is generally if not universally agreed that we have already more General Officers than are necessary to command the Armies of the United States—that at a time when it is seen and acknowledged by all that the present state of our finances and our future hopes and prospects strongly invite to the most rigid economy, applications should be made for new appointments.

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 365. The indorsement states that it was passed this day.

The letter of June 24, from Thomas Edison was referred on this day to Mr. [Noble Wimberly] Jones, Mr. [Abraham] Clark, Mr. [Samuel] Osgood. It is in No. 78, VIII, folio 389. The petition, dated Philadelphia, June 13, 1782, of sundry masters of vessels and others, prisoners on parole, was referred on this day to Mr. [James] Duane, Mr. [John] Lowell, Mr. [Abraham] Clark. It is in No. 42, VI, folio 272. The following indorsement is in the writing of James Duane: "Committee discharged, the business having been decided by Instructions to Commander in Chief and other Acts of Congress."

Although it is true that we have more general officers than are necessary to command our troops, and that perfect œconomy is indispensably necessary to our well being, yet in my opinion the good of the service requires that other general officers be commissioned.

Congress I think from principles of justice and policy found it necessary to proportion their General Officers upon the States pretty nearly according to the number of men they were severally to raise, the operation of this principle wounded the feelings of many senior officers, and nothing induced an acquiescence in the measure but the apparent fitness of it, and a belief that an adherence to the same principle would in some day or other operate in their favor.

Some of the States have been over-run plundered and distressed by the enemy and may possibly thereby at present be unable to fill up their battalions by which a number of General Officers are left without commands. Were such officers removed to the vacancies which now exist, it would be in violation of those principles of justice and policy which procured the appointment of those Brigadiers and caused their senior officers to acquiesce therein, and it would be productive of great unhappiness and discontent in the army so that notwithstanding we have at present a greater number of General Officers than are necessary to command our troops, yet, as they cannot now all be brought into the field, I cannot but hope Congress will make the appointments though our expences should be augmented thereby.

Having been indulged by Congress to visit our Camp, it is with the highest satisfaction I can assure them that their troops are well clothed, that they appear clean neat and soldier like. That the exact and alert manner in which they perform their exercise, firing, and manoeuvres gives dignity to the Corps, and while the discipline reflects the highest honor on the Commander in Chief and the Officers under his immediate command, it evidences a watchfulness and an attention to service, which gives strength and safety to our Country, and which will always meet the approbation and rewards of Congress.<sup>1</sup>

WAR OFFICE *June 24th 1782.*

SIR,

I am instructed by Congress to make out in time, and lay before the Superintendant of Finance estimate of the expences of recruiting and paying the army, as also an estimate of all stores and supplies necessary for the military service.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 409. The indorsement shows that it was, on this day, referred to Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. [Theodorick] Bland, Mr. [James] Duane.

It is now time to give in the estimates for the next year. Before I can do this with any degree of certainty, I should know the intentions of Congress respecting the force they intend to keep in the field, on that the estimates must be founded.<sup>1</sup>

WAR OFFICE, June 25th, 1782.

SIR

The memorialist is one of those officers who retired from active service under the resolution of Congress of the 31st of December last, and a resolution of the same day provides for the settlement of his accounts, so that any resolutions on his memorial are quite unnecessary.<sup>2</sup>

*Ordered*, That a letter of 10th March, 1782, from Ostend, relative to intelligence of British Goods coming to America by way of St. Thomas's, be referred to the Superintendant of Finance as Agent of Marine to take order.<sup>3</sup>

### WEDNESDAY, JUNE 26, 1782

The order of the day being called for by the State of Pennsylvania, to proceed on the business respecting the difference subsisting between the states of Pennsylvania and Connecticut, the agents William Bradford, James Wilson, and Jonathan D. Sargeant, esqrs. agents, and H. Osborne, esq. solicitor, for Pennsylvania, and Mr. Dyer, one of the agents for Connecticut, attended without the bar; and the former, in behalf of their State, prayed for the following order, viz.

“That the State of Connecticut, not having appeared by their lawful agents, agreeably to the resolution of the 14th day of November last, therefore Congress will, on the day of            next, proceed to nominate three persons out of each State, in order that due proceedings may be had on

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 417. It was referred on this day, according to the indorsement, to Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. [Theodorick] Bland, Mr. [James] Duane.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 41, III, folio 266, and is entered in Committee Book, No. 191. It is indorsed on the memorial of Captain De Florat, of June 6, which was referred to the Secretary at War June 12.

<sup>3</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.



the dispute mentioned in the said resolution, agreeably to the 9th Article of the Confederation.”<sup>1</sup>

And Mr. Dyer, on the part of Connecticut, prayed for the following resolution, viz.

“Colonel Root, one of the joint agents on whom the State of Connecticut depends to manage this cause, being absent from Congress on important business of the United States:

*Resolved*, That all proceedings on this case be postponed until the       day of July next, by which time Colonel Root’s return may be expected.”<sup>2</sup>

Both parties agreed that the blank should be filled with the 25 or 26 of July.

Congress took the motions under advisement, and the parties withdrew.

The Committee to whom was referred the information respecting the payment of Interest on Loan Office certificates report the following Resolution.—

Whereas the drawing bills upon Europe for the Payment of interest due on Loan Office certificates has been attended by many inconveniences, and the continuance of it would be inconsistent with the public service,

*Resolved*, That the Superintendant of Finance be directed to draw no more bills on Europe for the payment of Interest due or that may become due on monies lent to the United States, but that he take measures in future for the seasonable payment of the Interest on all Loans out of the duties laid and to be laid on imported goods in the several States at the disposal of Congress.<sup>3</sup>

The Committee for the Week [Mr. James Duane, Mr. John Taylor Gilman, Mr. Noble Wimberly Jones] report, That the Petition of Col<sup>o</sup> G. Van Schaick praying relief touching the grievance respecting

<sup>1</sup> This motion, in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 335.

<sup>2</sup> This motion, in the writing of Eliphalet Dyer, is in the *Papers of the Continental Congress*, No. 36, I, folio 343.

<sup>3</sup> This report, in the writing of John Witherspoon, is in the *Papers of the Continental Congress*, No. 19, IV, folio 359. The committee, according to the indorsement, was [Samuel] Osgood, [Ralph] Izard and [John] Witherspoon. It was referred to the Superintendent of Finance to report.

his rank complained of in his former memorial be referred to the committee of five appointed yesterday.<sup>1</sup>

## THURSDAY, JUNE 27, 1782

Mr. [John] Rutledge and Mr. [George] Clymer having returned, made a report of their proceedings,

The Committee appointed by a Resolve of the 22<sup>d</sup> May, to repair to the Southern States, Report, That (having conferred with the Superintendant of Finance, the Secretary at War, and the Secretary for Foreign Affairs and received the necessary information from their respective departments) they made the representations which Congress directed, to the executive of this State as the legislature were not sitting and the President gave the Committee the strongest assurances, that proper laws having been passed for carrying the requisitions of Congress into effect, those laws should be duly executed. The legislature of Delaware not having assembled, when the Committee were about to leave this city, it being uncertain when they would meet, and it appearing necessary to proceed without delay, to the southward, lest the legislatures of Maryland and Virginia should adjourn before the Committee could arrive there, they made their representations to the Governor of Delaware, who promised to make a proper communication of them to the legislature. They then proceeded to Maryland and having had a conference with a Committee of the Senate and House of Representatives of that State received a letter from the Speaker of both houses. They repaired next to Virginia, and having had an audience of both Houses, as well on the business committed by the resolve abovementioned, as on the subject of the flag vessels mentioned in the Resolves of the — May received a letter from the Speaker, enclosing several resolutions of the House of Delegates. These letters and Resolves the Committee herewith lay before Congress. The Committee did not proceed to North Carolina, being informed that the legislature of that State had adjourned about the beginning of this month for a considerable time, and it was not probable that they could be soon assembled.<sup>2</sup>

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 32, folio 369. The memorial of Goose Van Schaick, dated Albany, June 6, 1782, was referred, according to the indorsement, to Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. [Theodorick] Bland, Mr. [James] Duane. It is in No. 41, X, folio 305. On November 18, 1782, the Committee was discharged.

<sup>2</sup> This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 24, folio 397.

A motion was made by Mr. [John] Lowell, seconded by Mr. [Samuel] Osgood,

That when disputes and differences between two or more states, concerning boundary, jurisdiction, or any other cause whatever, are under the consideration of Congress, the delegates representing the several differing states may not, agreeably to the Confederation, sit and judge in any question to be decided by Congress relative to such dispute or difference.<sup>1</sup>

On this the previous question was moved by the State of South Carolina, seconded by New York, and the yeas and nays being required by Mr. [John] Lowell,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	}	Mr. McKean,	ay	}
<i>Massachusetts,</i>			Dickinson,	ay	
Mr. Osgood,	no	}	Wharton,	ay	
Lowell,	no				
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Cornell,	ay	}	Mr. Hanson,	ay	}
Howell,	ay		Wright,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	}	Mr. Madison,	ay	}
Dyer,	no		Bland,	ay	
<i>New York,</i>			Mr. Lee, who returned		
Mr. Duane,	ay	}	and took his seat after		
Scott,	ay		the debate com-		
			menced, was excused.)		
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Clark,	ay	}	Mr. Rutledge,	ay	}
Condict,	ay		Ramsay,	ay	
Witherspoon,	no		Izard,	ay	
<i>Pennsylvania,</i>			Middleton,	ay	
Mr. Smith,	ay	}	<i>Georgia,</i>		
Clymer,	ay		Mr. Jones,	ay	}
Wynkoop,	ay		Few,	ay	

So it was resolved in the affirmative.

<sup>1</sup> This motion, in the writing of John Lowell, is in the *Papers of the Continental Congress*, No. 36, I, folio 333. The vote was indorsed on it.

The order of the day being called for, to proceed in the business of the difference subsisting between the states of Pennsylvania and Connecticut, the delegates for Connecticut laid before Congress an instruction from their constituents. in the words following, viz.

“At a general assembly of the governor and company of the State of Connecticut, holden at Hartford, in said State, by adjournment on the 10th day of January, Anno Domini 1782:

“*Resolved*, by this assembly, That the delegates of this State in the Congress of the United States, be, and they are hereby authorised and instructed to move Congress to postpone the appointment of commissioners, to hear and determine the case respecting the lands in controversy between the State of Pennsylvania and this State, until after the termination of the present war: because that sundry papers of importance in the case are in the hands of counsel in England, and cannot be procured during the war: nor is it convenient for the states to divert their attention from the great objects of the war to attend to private controversies.”

And they are hereby further authorised, and Instructed to confer with such persons as may be authorised on the part of the State of Pennsylvania, respecting the quieting of the possessions of the people settled on the lands in controversy between the State of Pennsylvania and this State under the claim of either of said States, and also the lands that have been heretofore possessed and improved by persons, that have been driven off therefrom by the common Enemy, and on behalf of this State to confirm to such persons and claimants so much of said Lands, which have been by them so occupied and improved, and other lands adjoining thereto as the said Delegates shall judge just, and equitable, and as shall be agreed to on the part of the State of Pennsylvania, having a strict regard to principles of reciprocity therein and that they make report of their doings to this assembly.<sup>1</sup>

And thereupon moved the following resolution:

That Congress postpone the appointment of commissioners to hear and determine the cause respecting the lands in

<sup>1</sup> These instructions are in the *Papers of the Continental Congress*, No. 66, II, folio 200.

controversy between the State of Pennsylvania and the State of Connecticut, until after the determination of the present war.

~~Because sundry original papers of importance and material in the trial of said cause are in the hands of Counsel, in England and cannot be procured during the war, nor is it convenient for the States to divert their attention from the great objects of the war to private controversies.~~<sup>1</sup>

A motion was made by Mr. [Theodorick] Bland, seconded by Mr. [David] Howell, to postpone the consideration of this motion,

And on the question for postponing, the yeas and nays being required by Mr. [John Morin] Scott,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	}	Mr. McKean,	ay	}
<i>Massachusetts,</i>			Dickinson,	ay	
Mr. Osgood,	ay	}	Wharton,	ay	
Lowell,	ay				
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Cornell,	ay	}	Mr. Hanson,	ay	}
Howell,	ay		Wright,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Huntington,	no	}	Mr. Madison,	ay	}
Dyer,	no		Bland,	ay	
<i>New York,</i>			Lee,	ay	
Mr. Duane,	ay	}	<i>South Carolina,</i>		
Scott,	ay		Mr. Rutledge,	ay	}
<i>New Jersey,</i>			Ramsay,	ay	
Mr. Clark,	ay	}	Izard,	ay	
Condict,	ay		Middleton,	ay	
Witherspoon,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Jones,	ay	}
Mr. Smith,	ay	}	Few,	ay	
Clymer,	ay				
Wynkoop,	ay				

So it was resolved in the affirmative.

<sup>1</sup> This motion, in the writing of Benjamin Huntington, is in the *Papers of the Continental Congress*, No. 36, I, folio 331.

A motion was then made by Mr. [Theodorick] Bland, seconded by Mr. [David] Howell,

“That the sense of the house be taken, whether the reasons for the non-attendance of the agents from Connecticut yesterday assigned by the Hon. E[liphalet] Dyer, be sufficient.”

The Committee [Mr. Theodorick Bland, Mr. Arthur Middleton, Mr. John Lowell,] to whom were referred the motion of Mr. [William] Ellery respecting the stoppages of loans subsidies and grants together with sundry papers therewith committed,

Report, that on the strictest enquiry they do not find that the State of Virginia had applied to the Court of France or any other person whatever for any supplies or monies for their own use to be charged to the account of the U. States; but that the articles for which the stoppage from the Loan or donation of the Court of France to these U. S. as mentioned in the letter of the Minister Plenipotentiary at the Court of Versailles were engaged for under special contract with the State of Virginia individually and the terms of payment were specified in the said Contract, by no means prejudicial to or having connection with the funds of the U. S. and your Committee recommend that the Superintendant of Finance be directed to give information to the Count de Vergennes through the Chevalier de la Luzerne and the Minister Plenipotentiary of these U. S. at the Court of Versailles, that these U. S. do not wish to hold themselves accountable for Contracts made by any particular State and therefore request that stoppages may not be made from loans, subsidies or grants obtained in Europe on acct. of these U. S. for articles furnished on particular contract to any individual State, as such stoppages would greatly embarrass the U. States under the present difficult situation of their finances.<sup>1</sup>

<sup>1</sup> This report, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 25, II, folio 117. It was read this day, according to the indorsement.

Also, a letter from General Washington, dated Newburgh, June 24. It is in No. 152, X, folio 589.



FRIDAY, JUNE 28, 1782

On a report from the Secretary at War,

WAR OFFICE *June 26<sup>th</sup>, 1782.*

SIR,

The Resolves of Congress of the 5<sup>th</sup> of June 1776 provide that the Aids de Camp to the Commander in Chief shall have the rank of Lieut. Colonels, and Aids de Camp to Major Generals the rank of Majors. The 29<sup>th</sup> of March 1777 Congress resolved that the pay of Aids de Camp should be agreeable to their rank. On the 27<sup>th</sup> of May 1778 Congress resolved that two aids should be allowed to each Major General, who should be taken from the Captains and Subalterns, and that in addition to their pay in the line, they should receive twenty four dollars per month. By this arrangement an Aid de Camp to a Major General of the rank of Captain, receives sixty four dollars per month fourteen dollars more than the establishment of May 29, 1777, and more than the Aids de Camp received who were appointed before the 27<sup>th</sup> day of May, 1778, four dollars a month more than the Aids de Camp to the Commander in Chief receive, and four dollars a month more than the pay of a Lieutenant Colonel in the line of the Army receives.

This inequality of pay creates discontents in the Army and hurts the feelings of many good officers. I beg leave therefore to suggest the necessity of making some alterations in the system, such as shall more equally proportion the pay of the officers to the importance of the office they severally hold.

If Congress should upon a full examination of this matter find the acts justly stated and that an alteration in system is necessary, the propriety of repealing the former resolves and adopting the following are submitted to their consideration.

*Resolved*, That so much of the resolution of Congress of the 27 day of May, 1778, as relates to the additional pay given to captains and subalterns, acting as aids-de-camp and brigade-majors, be, and is hereby repealed.

*Resolved*, That there shall be such additional pay and emoluments to the pay of captains and subalterns, serving as aids-de-camp either to major generals or brigadier generals, and to brigade-majors, as shall make their pay and

emoluments equal to the pay and emoluments of a major in the line of the army.<sup>1</sup>

The order of the day being called for, Congress resumed the consideration of the motion made yesterday, which was amended to read,

That the sense of Congress be taken, whether sufficient reasons have been shewn for the non-appearance of the State of Connecticut by its lawful agents.

After debate, the determination of the question was postponed by the State of Rhode Island.

On the report of a committee, consisting of Mr. [James] Duane, Mr. [Ralph] Izard and Mr. [James] Madison, to whom were referred the letter of 21 May from Major General Greene, and the papers accompanying it:

The Committee consisting of Mr Duane, Mr Izard, and Mr Madison, to whom were referred the letter from Major General Greene of the 21<sup>st</sup> of May last, and the papers accompanying the same, beg leave to submit the following resolution. ~~Resolved, That the Secretary at War inform Major Gen<sup>l</sup> Greene that the United States in Congress assembled approve of the sentiments and conduct of Major General Greene communicated in his letter to the President, of the 21<sup>st</sup> of May last, respecting the preparations for a cessation of hostilities made to him by Lt. Gen<sup>l</sup> Leslie commanding the British forces in Charlestown.~~

*Resolved*, That the Secretary at War inform Major General Greene, that the United States in Congress assembled, approve of his conduct in rejecting the overtures for a cessation of hostilities made to him by Lieutenant General Leslie, commanding the British troops in Charlestown, [and that he assure him Congress will use their endeavours to enable him effectually to oppose the enemy.]<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 429.

<sup>2</sup> This report, in the writing of James Duane, except the part in brackets, which is in that of Ralph Izard, is in the *Papers of the Continental Congress*, No. 19, II, 489.

WAR OFFICE *June 28<sup>th</sup> 1782.*

SIR,

The enclosed extract from the Commissary of prisoners letter to me represents the wish of our marine prisoners in New York, that a boat might be permitted to fish on the banks near Sandy Hook for their benefit, and the request of the British Commissary that permission might be granted him to purchase wood for the use of our prisoners, within our lines, where it can be procured much cheaper than with the enemy, and will enable him to afford the prisoners a greater supply.

The distressed situation of those prisoners—the little probability there is that all of them will soon be liberated, and the necessity we are under not only to do every thing in our power to alleviate their sufferings but to convince them that they are the objects of our attention; in order to reconcile them as much as possible to the miseries of a Loathsome confinement, until they can be exchanged, and to prevent them from an idea that they are neglected engaging in the service of Britain—are considerations which will, I think, fully justify a compliance with their request.

Should his Excellency General Washington be directed to take order in the matter, he will have it under his immediate control, and may suspend it whenever he finds that it is injurious or does not answer the good purposes intended, or he may indulge it under such limitations as shall appear necessary.

Should Congress be of these sentiments they will please to direct that General Washington take order in the matter.<sup>1</sup>

MONDAY, JULY 1, 1782

Mr. John Lewis Gervais, a delegate for the State of South Carolina, attended and took his seat.

On a report of the Secretary at War,

WAR OFFICE *July 1<sup>st</sup> 1782.*

SIR,

Captain Brossard of the Georgia Line at present a prisoner of war, has, in a letter to me which states the necessity he is under of returning

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 437. It was read on this day, the indorsement shows, and referred to Mr. [James] Madison, Mr. [John] Lowell, Mr. [John Morin] Scott, Mr. [Samuel] Wharton, and Mr. [John] Witherspoon.

to Europe to obtain supplies from his friends, requested that he may be indulged with leave of absence for that purpose, and he farther solicits it at this time as there does not appear a probability of his being soon exchanged.

I beg leave to submit the propriety of granting Captain Brossard a furlough for nine months for the purpose of returning to Europe.<sup>1</sup>

*Resolved*, That a furlough for nine months be granted to Captain Brossard, of the Georgia line, for the purpose of returning to Europe.

On motion of Mr. [John] Witherspoon, seconded by Mr. [John] Lowell,

*Resolved*, That the determination of the question which was postponed on Friday last by the State of Rhode Island, be farther postponed.

On motion of Mr. [David] Ramsay, seconded by Mr. [James] Duane,

*Resolved*, That a committee of three be appointed to take proper measures for a public celebration of the anniversary of the independence, on Thursday next; the members chosen, Mr. [David] Ramsay, Mr. [George] Clymer and Mr. [Samuel] Wharton.

On a report from the Secretary at War, signifying Captain Celeron's wish to resign,

*Resolved*, That the resignation of Captain Celeron be accepted.

A letter, of 11 June, from J. Avery, secretary of Massachusetts, was read, enclosing an act passed by the said State, entitled An Act for granting to the United States in Congress assembled, a permanent revenue for the purpose of discharging the debts which have arisen or may arise in prosecuting the present war with Great Britain.<sup>2</sup>

On a report from a committee, consisting of Mr. [James] Madison, Mr. [John] Lowell, Mr. [John Morin] Scott, Mr. [Samuel] Wharton and Mr. [John] Witherspoon, to whom was

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 455.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 65, II, folio 167.

referred a report from the Secretary at War on an extract of a letter from the commissary of prisoners:

*Resolved*, That the said extract be referred to the Commander in Chief; and that he be authorised to take order thereon, so far as he shall judge the indulgencies applied for can be guarded from abuses ~~particularly from a commercial intercourse with the enemy.~~<sup>1</sup>

The Committee [Mr. Elias Boudinot, Mr. Samuel John Atlee, Mr. John Lowell, Mr. Ralph Izard, Mr. William Few] to whom the letter from William Henry Esq. of Lancaster was referred—Report the following Resolutions—

Whereas a large assortment of British Merchandize, has been imported into the Town of Lancaster in this State under pretext of the articles of capitulation of York Town, which assortments of merchandise appear to be greater in quantity than what is necessary for the supply of the Capitulants only.

And whereas complaints are daily made that various means are used by the Capitulants and others to vend this merchandize to the Inhabitants of this State, to the great injury of the fair trader, and contrary to the letter and spirit of the Capitulation, which renders it absolutely necessary for the safety and interest of the United States that measures be taken to put a speedy stop to practices so dangerous in themselves and injurious to the Citizens of these States—

*Therefore, Resolved*, that the Secretary at War be directed to order the careful inspection of the goods imported as cloathing and necessities for the use of the Capitulants of York Town, and if upon inspection, there shall be found such as are not absolutely necessary for the said Prisoners, he shall cause the same to be carefully kept until the farther order of Congress.

That the Secretary at War take proper and effectual precautions for preventing the issuing of Cloathing and other articles to the Capitulants of York Town, except such as shall be absolutely necessary from time to time both in kind and quantity agreeable to the terms of the said Capitulation, and in future to prevent the introduction of more than shall be necessary for the same purposes.

That the Secretary at War do immediately take order for a strict examination into the practices of the British officers, and others under

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 27, folio 169.

the Capitulation of York Town to supply the shopkeepers and other Inhabitants with British merchandize imported under pretext of the permission given to import Cloathing and other necessities agreeable to the said capitulation, and that he make report thereof to Congress.<sup>1</sup>

The Committee of the Week Consist'g of [Mr. James Duane, Mr. John Taylor Gilman, Mr. Noble Wimberly Jones] Report.

That the letter from Bellamy Crawford praying an advance on account of pay claimed from the United States be referred to the Superintendent of Finance.

That a memorial of Doctor Felix Texier late of Pulaski's Legion and a letter of Lewis Celeron late of the said legion praying that the certificates given to them respectively for the balance of pay due, may be discharged, be referred to the Superintendent of Finance.

That James Macmecken and other Petitioners praying for the interposition of Congress respecting the money claimed to be due to them for prizes taken by the *Bon Homme Richard* be informed that directions are already given on this subject by the Act of Congress of the 11<sup>th</sup> day of March last.<sup>2</sup>

The Superintendent of Finance on the order of the 21<sup>st</sup> Instant begs leave to report.

That the monies which have come to his hands have been very inadequate to the various branches of the public service, wherefore it followed that some must suffer.

That of those monies which he did receive a considerable part was expended in cloathing accoutrements and other objects equally necessary for both Armies.

That of the Remainder a considerable part was expended in the movements made last campaign to succor the State of Virginia and

<sup>1</sup> This report, in the writing of Elias Boudinot, is in the *Papers of the Continental Congress*, No. 19, III, folio 129. The indorsement shows that it was delivered June 25, read June 26 and on July 1 recommitted to confer with the executive of Pennsylvania. According to Committee Book No. 186, the letter of W. Henry, dated May 1, was on May 3 committed to Mr. [Elias] Boudinot, Mr. [Samuel John] Atlee and Mr. [John] Rutledge, and on June 21 the several papers referred to that committee were recommended to Messrs. Boudinot, Atlee, Lowell, Izard and Few.

<sup>2</sup> This report, in the writing of James Duane, except the second paragraph, which is in Charles Thomson's writing, is in the *Papers of the Continental Congress*, No. 32, folio 373. The indorsement states that it was passed on this day. The petition, dated June 24, 1782, from sailors belonging to the *Bon Homme Richard* is in No. 42, VII, folio 147.



thereby to rescue the Southern Army from the dangers to which it was exposed.

That the contracts entered into during the last summer were on the credit of monies furnished by the State of Pennsylvania in commutation of the specific supplies required from that State.

That the monies then in the hands of the Superintendent of Finance, would not enable him to pay for supplies to be furnished on Contract to either army.

That the prospect of receiving money from the States would not permit the forming such contracts without risking a loss of that credit which appeared to him essential to the public service.

That events have justified the apprehensions which were then formed, and the supineness of the several States exceeded the worst idea he had entertained, demonstrating that if such engagements had been entered into they would inevitably have involved a loss of credit, and thereby the failure of that system of œconomy which has been founded upon it.

That as soon as he had any reason to hope for such supplies of money from the States as would enable him to fulfill the contracts which might be made, he by letter of the nineteenth December, 1781, empowered General Greene to form such contracts.

That in consequence thereof he has been informed of certain causes which render that measure not only inexpedient but impracticable.

That the State of public Credit in that quarter is so low, that no person of property or ability would engage in a contract.

That the country in which the Army does and must continue to operate is so exhausted that sufficient supplies cannot be obtained by purchase alone.

That if such supplies be purchased at a distance the intermediate space is so exhausted as not to afford a practicability of transporting them to the army.

That the army being composed in a great measure of militia, from that and other causes is at times so feeble as to be incapable of opposing the enemy, should they come out with their whole force.

That consequently any Magazines which might be laid up by the contractors would be exposed either to capture by the enemy or to destruction for preventing such capture.

That those causes which have at times rendered necessary the rapid movements of that army prevent the General from a possibility of naming the places where Magazines should be deposited.

That from all those causes rations would come so high (even if it were practicable to make Contracts for them) that no revenue which can be drawn from the people would be equal to the payment of such heavy expenditures.<sup>1</sup>

The Superintendent of Finance to whom was referred the Report of a Committee of the twenty sixth Instant begs leave to report the following resolution:

Whereas it has been found by experience that drawing bills of exchange for the interest of loan office certificates is subject to many inconveniences and disadvantages, and whereas such bills without producing a full value to the parties are very injurious to the finances,

*Therefore Resolved*, That no more such bills be drawn after this day but that the Superintendent of the Finances of the United States do cause the said interest to be provided for out of the revenues which shall arise from the five per cent impost recommended by the Act of the United States in Congress of the third of February 1781.<sup>2</sup>

WAR OFFICE June 28, 1782.

SIR,

I have carefully read the memorial of Captain Hanchett referred to me and the papers accompanying it. The principal part of the representations which the memorialist has made are unsupported by any vouchers produced by him and rest solely on his declaration, though that ought to have all the weight that unsullied integrity can give. Yet should a precedent be established by Congress of receiving accounts unauthenticated it would open a door through which might pass the greatest impositions frauds and injustice, which never I think should be done but in cases of absolute necessity, and then not until the best evidence shall be offered which circumstances will admit.

I think therefore the memorial should lie until farther evidence shall be given in support of the several observations.<sup>3</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 137, I, folio 645. It was read on this day, the indorsement states.

<sup>2</sup> This report, dated June 27, is in the *Papers of the Continental Congress*, No. 137, I, folio 639. It was read this day, according to the indorsement, and referred to Mr. [John] Rutledge, Mr. [Arthur] Lee, Mr. [Abraham] Clark.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 451. The indorsement shows that it was read on this day and ordered to lie.

*Ordered*, That a report of the Secretary at War on the extract of a letter from Mr. Appleton be referred to the Superintendent of Finance.<sup>1</sup>

TUESDAY, JULY 2, 1782

On a report from the Secretary at War,

WAR OFFICE *July 2, 1782.*

SIR,

Louis Atayataghronghtha of the Oneida Tribe was appointed a Lieutenant Colonel in our army the 15 of June 1779, previous to and subsequent to which appointment he has been employed by the Commissioners of Indian Affairs in transacting business between them and the several tribes of Indians with whom they have corresponded.

From his interest with the tribes, his sagacity, integrity and firm attachment to the cause of the United States much good has been derived and his farther services are necessary.

Since his promotion he has received one ration per day only, and four hundred and eighty dollars and that in February 1780. He only wishes to fare as other officers of his rank in the Army do. The same pay they receive from time to time will satisfy him.

He is one of the officers deranged under the resolution of Congress of the 31<sup>st</sup> of December last. At that time I did not know of the appointment, or I should have given it as my opinion, from the knowledge I have of him and his influence with the Indians, that he should have been retained. Should Congress be of opinion, that he be continued in the service of the United States, they will please to resolve,

*Resolved*, That Lieutenant Colonel Louis Atayatagh-haronghta retain the rank and pay of a lieutenant colonel

<sup>1</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

On this day, according to the indorsement, was read a memorial of sundry seamen and others dated Philadelphia, July 1, 1782. It is in the *Papers of the Continental Congress*, No. 41, IX, folios 189-192. There is an undated report indorsed upon it from the Committee of the Week, in the writing of Noble Wimberly Jones, recommending that it be referred to the Committee appointed June 25, viz., Mr. [James] Duane, Mr. [John] Lowell, Mr. [Abraham] Clark. The indorsement in the Secretary's office says "Committee discharged the business having been decided by instructions to the Commander in Chief and other acts of Congress."

Also, a copy of the Act of the legislature of Massachusetts, passed May 4, 1782, granting to Congress a permanent revenue for discharging the debts in prosecuting the war. It is in No. 74, folio 193.

in the army of the United States, the resolves of the 31 of December last notwithstanding.<sup>1</sup>

WAR OFFICE July 2<sup>nd</sup>, 1782.

SIR,

I have the honor to enclose Congress copy of a letter from Lieut. Col. Smith and Major Clarkson to his Excellency General Washington, in which they represent their wish to join the combined armies of France and Spain in the West Indies as Volunteers, and his Excellency's answer referring their application to me, and through me to Congress.

I beg leave to inform Congress that these Gentlemen are not attached to the line of any particular State, that their services can be dispensed with until some active operations shall be attempted, and as we expect to be assisted in such operations by the fleet, these officers may and probably will return to their duty in our army by that opportunity.

Should Congress think proper to grant their request, they will please to resolve,

*Resolved*, That Lieutenant Colonel Smith and Major Clarkson have leave of absence until Congress shall direct their recal; and that they be permitted to go to the West Indies and serve in any corps of the combined armies of France and Spain to which they shall be invited.<sup>2</sup>

The Superintendant of finance, to whom were referred sundry letters from Samuel Parsons, and from Parsons, Alston & Co. reports,

The Superintendant of Finance to whom was referred a letter from Parsons Alstine and Co., of the seventh of April, 1780, to the Committee of Foreign Affairs, a letter from the same of the fifteenth of February, 1781, to the Marine Committee, the account of disbursements of the schooner *Fame* with the receipt of Captain Palmer of the sixteenth of February, 1781, the protest of the said Captain Palmer, of the fifth of March, 1781, the letter from Samuel Parsons to the Committee of Foreign Affairs of the eighteenth of March, 1781, together with a report from the Board of Admiralty on the said letters and papers of the twenty-first of April, 1781; also a certificate

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 473.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 469.

from the Marquis de Bouillie of the twenty-fourth of March, 1782, a letter from the Commandant of Martinique to the President of Congress of the ninth of April, 1782; the accounts of Samuel Parsons against the Commercial Committee, and Marine Committee of the ninth of April, 1782, and the following letters from him, viz. of the twelfth of April, 1782, to the President of Congress, to the Commercial Committee, to the Marine Committee and to the Committee of Foreign Affairs, and of the fourteenth of April, 1782, to the Committee of Foreign Affairs, begs leave to report,

That he does not conceive it advisable to appoint a consul in any of the West India islands, at least for the present; that any business which it may be necessary to have done at Martinique, can be well transacted by persons not holding a public character; that there is very little reason to believe there will be many British prisoners carried into the said Islands by American cruizers, under present circumstances; that he conceives any arrangements, with respect to prisoners, should be of a general nature extending to that object through every part of the world; and that the business of exchange being now in the war department, any arrangements with relation thereto, can come with propriety from the Secretary at War: he also submits that the Superintendent of finance cause the accounts of Samuel Parsons, against the United States, including therein the accounts of Parsons, Alston & Co. to be settled, and that the expences of the schooner *Fame* be allowed in the said accounts.<sup>1</sup>

*Resolved*, That Congress agree to the said report.

[Motion of Mr Madison, seconded by Mr Izard, for drawing a bill in favour of Mr W. Lee July 2, 1782.]

That the Superintendent of Finance draw bills on the Minister Plenipotentiary at the Court of Versailles in favor of William Lee Esq<sup>r</sup> for the sum of 42,189 Livres Tournois with interest thereon, from the 12 day of September last, the same being the balance due to him from the United States, and that the Secretary of Foreign Affairs transmit the Bills so drawn to William Lee Esq<sup>r</sup> inserting in

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 137, I, folio 567.

such bills a proviso against the payment thereof in case the debt should have been previously discharged by the said Minister Plenipotentiary.<sup>1</sup>

On a report from the Superintendent of finance, to whom was referred a letter of the 12 April, 1781, from William Lee, esq.

The Superintendent of Finance, to whom was referred the letter of the twelfth of April, 1781, from William Lee, Esquire, begs leave to report

That in a letter of the twenty-seventh of November last to his Excellency Mr. Franklin is the following paragraph "I wish you in conformity to the Act of Congress inclosed, whereof number thirty five is copy, to pay the sum of forty-two thousand, one hundred and eighty-nine livres therein mentioned with the interest to Mr. William Lee." To which Mr. Franklin, in a letter of the thirtieth of March last replies, "no demand has been made on me by Mr. William Lee. I do not know where he is."

The following order therefore is submitted:

*Ordered*, That the Secretary for foreign affairs inform Mr. William Lee, that he apply for payment of the monies due to him to Mr. Benjamin Franklin.<sup>2</sup>

The Committee of the Week, [Mr. John Lewis Gervais, Mr. Henry Wynkoop, Mr. Silas Condict] report,

That the memorial of Charles Roth late Lieutenant in General Pulaski's Legion, respecting his being paid part of his demands against the United States be referred to the Secretary at War.

That the memorial of William Vernon and J. Warren, late Commissioners of the Navy Board Eastern Department respecting their pay and monies advanced on behalf of the public, be referred to the Agent of Marine.

That the letter of P. Schuyler and Colckart Donier respecting Mr Dean Agent and Interpreter for Indian Affairs in the Northern Department and the settlement of his accounts be referred to the Superintendent of Finance.

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folios 349 and 351.

<sup>2</sup> This order was also entered in the manuscript Secret Journal, Foreign Affairs. The report is in the *Papers of the Continental Congress*, No. 137, I, folio 547.



That the memorial of Joseph Carew respecting the depreciation of monies loaned to Joshua Huntington, Agent for building the ship *Confederacy* do lie on the table.

That the letter and account of Andrew Huntington praying a revision and further allowance of his said account which appears to have been settled with Jon<sup>th</sup> Trumbull do lie on the table.<sup>1</sup>

In pursuance of the Resolve of the 17th of June :

Mr. [James] Duane, Mr. [Samuel] Osgood, Mr. [Abraham] Clark, Mr. [Arthur] Lee, and Mr. [Thomas] McKean were appointed to enquire fully into the proceedings of the department of Finance, including the several branches of the same ;

Mr. [James] Madison, Mr. [Ralph] Izard, Mr. [John] Lowell, Mr. [John] Witherspoon and Mr. [George] Clymer were appointed to enquire fully into the proceedings of the department of foreign affairs ;

Mr. [Ezekiel] Cornell, Mr. [Theodorick] Bland, Mr. [Philemon] Dickinson, Mr. [John Morin] Scott and Mr. [John] Rutledge were appointed to enquire fully into the proceedings of the department of War ;

Mr. [Samuel] Wharton, Mr. [Benjamin] Huntington, Mr. [David] Howell, Mr. [Turbett] Wright and Mr. [Noble Wimberly] Jones were appointed to enquire fully into the proceedings of the department of Marine ;

And Mr. [John Taylor] Gilman, Mr. [David] Ramsay, Mr. [Silas] Condict, Mr. [Thomas] Smith and Mr. [Eliphalet] Dyer were appointed to enquire fully into the department of the Post Office.

The foregoing committees to report the result of their respective enquiries to Congress.<sup>2</sup>

<sup>1</sup> This report, in the writing of Silas Condict, is in the *Papers of the Continental Congress*, No. 32, folio 375. According to the indorsement it was passed this day. The memorial of Joseph Carew, dated Norwich, Conn., May 18, 1782, is in No. 41, II, folio 126. The letter of May 30 from Andrew Huntington is in No. 78, XII, folio 217.

<sup>2</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*. Committee Book No. 186, *Papers of the Continental Congress*, shows that the committee on the Post Office Department handed in a report on September 4, and the committee on the Department of Foreign Affairs, on September 18; and that the other three committees were renewed November 21.

In the committee on the Department of Finance, Mr. [James] Madison, Mr. [Thomas] Fitzsimmons and Mr. [Samuel] Wharton were appointed November 21, in place of Messrs. Duane, Lee and McKean ; Mr. [Nathaniel] Gorham, in place of Mr. Osgood, December 20 ; Mr. [Arthur] Lee, March 31, 1783, in place of Mr. Wharton ; and

WEDNESDAY, JULY 3, 1782

Mr. Jonathan Jackson, a delegate for the Commonwealth of Massachusetts, attended, and produced his commission under the seal of the Commonwealth, and signed by his Excellency J. Hancock, governor, whereby it appears, that at a general court of the said Commonwealth, on the 2d day of May, 1782, the said Jonathan Jackson was elected a delegate, to hold his office until the 5th day of November next. Commonwealth of Massachusetts.

By His Excellency John Hancock Esq<sup>r</sup> Governor &  
[Seal] Commander in Chief in & over the Commonwealth of  
Massachusetts

To all unto whom these Presents shall come Greeting

WHEREAS the General Court of the Commonwealth aforesaid did on the second day of May 1782 agreeable to the Constitution of said Commonwealth appoint the Honble Jonathan Jackson Esq<sup>r</sup> a Delegate to represent the said Commonwealth in the General Congress of the United States

Now therefore Know YE That I do by these Presents & in pursuance of the said Appointment, Commission the said Jonathan Jackson Esq<sup>r</sup> to represent this Commonwealth in Congress & vest him with all & Singular the Powers & Authorities to the said Office or place of Delegate belonging by Virtue of the Constitution of this Commonwealth & the Appointment aforesaid And to hold said Office until the fifth day of November 1782 And the said Jonathan Jack-

April 8, Mr. [Theodorick] Bland in place of Mr. Lee. On April 23, 1783, the committee was discharged, and the business referred to "the committee of five of 31 March."

In the committee on the Department of War, Mr. [Richard] Peters, Mr. [Daniel] Carroll, Mr. [John Lewis] Gervais and Mr. [John Taylor] Gilman were appointed November 21, in place of Messrs. Cornell, Bland, Dickinson and Scott; and on April 28, 1783, the committee was discharged, and the business was referred to "the committee of 6 January on like business."

In the committee on the Department of Marine, Mr. [John Lewis] Gervais, Mr. [Abner] Nash and Mr. [John Taylor] Gilman were appointed November 21, in place of Messrs. Huntington, Wright and Jones; and on April 28, 1783, the committee was discharged, and the business referred to "the committee of 6 January on like business."

For the report of the committee on the Post Office Department, see *post* September 5; and on the Department of Foreign Affairs, September 18.

son Esq<sup>r</sup> is hereby required to observe the Instructions which from time to time shall be given to him by the General Court of this Commonwealth.

IN TESTIMONY whereof I have caused the Public Seal of this Commonwealth aforesaid to be hereto affixed.

WITNESS John Hancock Esq<sup>r</sup> Governor & Commander in chief of the said Commonwealth.

DATED at Boston the sixth day of June in the Year of Our Lord One Thousand Seven Hundred & Eighty two And the Sixth Year of the Independence of the United States of America.

JOHN HANCOCK

By His Excellency's Command  
JOHN AVERY Sec<sup>y</sup> <sup>1</sup>

A letter, of this day, from the Secretary at War, was read, together with an extract of a letter from Brigadier General Hazen, informing that the commissaries of prisoners at Lancaster, York and Reading, appear assiduous in supporting an independent, uncontrollable power, at least not subject to his restraint; and that notwithstanding orders to the contrary, the practice of allowing prisoners of war to work in the boroughs, towns and country, on the commissary's pass, is still continued at Lancaster, York and Reading, which has been a means of a very considerable loss of them; Whereupon,<sup>2</sup>

*Resolved*, That the ~~Commander in Chief~~ Secretary at War be, and he is hereby ~~directed~~ authorised and empowered to cause courts-martial to be forthwith holden, on the several commissaries and assistant commissaries of prisoners, at York, Reading and Lancaster, for disobedience of orders and neglect of duty, in suffering the escape of prisoners at those posts:<sup>3</sup>

<sup>1</sup> The original is in the *Papers of the Continental Congress*, Massachusetts, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

<sup>2</sup> The letter of the Secretary at War is in the *Papers of the Continental Congress*, No. 149, I, folio 485, and the extract from Brigadier General Hazen's letter on folio 481.

<sup>3</sup> This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 149, I, folio 477.

And that the Secretary at War be, and he is hereby authorised to appoint proper persons to take charge of the prisoners of war at the said places, until the said commissaries shall be discharged from their arrests, or Congress shall otherwise direct.<sup>1</sup>

*Resolved*, That the Secretary at War, in the absence of the Commander in Chief, be, and he is hereby authorised to order all persons to be arrested and tried for disobedience of any orders which he is empowered to issue.<sup>2</sup>

On motion of Mr. [James] Duane, seconded by Mr. [James] Madison,

Whereas it appears that the Spanish governors or military commanders in the West Indies continue to permit British prisoners captured by them to be sent to posts occupied by the British forces within these United States, and such prisoners may be employed to aid the common enemy and to annoy these states,

*Resolved, therefore*, That the Secretary for Foreign Affairs transmit a state of the facts to the minister plenipotentiary of these United States at the Court of Madrid, and the said minister is instructed to renew his representations to His Catholic Majesty on this subject.<sup>3</sup>

#### FRIDAY, JULY 5, 1782.

The Committee of the Week, [Mr. John Lewis Gervais, Mr. Henry Wynkoop, Mr. Silas Condict] report That the Petition of L<sup>t</sup> Potan be referred to the Secretary at War—

<sup>1</sup> This motion, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 149, I, folio 480.

<sup>2</sup> This paragraph, in Charles Thomson's writing, is in the *Papers of the Continental Congress*, No. 149, I, folio 479.

<sup>3</sup> This motion was entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4.

On this day, according to the indorsement, was read a letter of July 2 from Blair McClenachan, John Ewing and others. It is in the *Papers of the Continental Congress*, No. 78, XVI, folio 303.

That the representation of Cap; Joseph Traversier be also referred to the Secretary at War.<sup>1</sup>

WAR OFFICE *July 5th, 1782.*

SIR,

By the resolves of Congress of the 5<sup>th</sup> June, 1776, the rank of Lieutenant Colonel was given to the Aids de Camp to the Commander in Chief and on the 24<sup>th</sup> of March, 1777, their pay was established agreeably to their rank, since which no resolve has passed relative to the pay and rank of the Aids to the Commander in Chief.

Lieut. Col. Humphrey was appointed Aid de Camp to the Commander in Chief on the 23<sup>rd</sup> of June 1780, and having never received a Commission as Lieutenant Colonel now applies for it.

As all appointments under the Grade of General Officers are with the several States, and as commissions have been issued only on their certificates—I do not conceive myself authorised without an express order of Congress to issue the commission requested by Colonel Humphrey, although I have a very high sense of his merit, and of the importance of his service.

I beg the directions of Congress in this matter.<sup>2</sup>

*Ordered*, That so much of the report of the committee on the instructions to Mr. Adams so far as it relates to a loan be referred to the Superintendent of Finance.<sup>3</sup>

[MONDAY, JULY 8, 1782.]

The Committee appointed to revise the instructions of Mr. Adams &c., recommend,

That the Minister Plenipo: at the Hague be instructed, in case no definitive steps shall have been taken by him in the proposed Treaty of amity and commerce with the U. Provinces, to engage them if possible, in an express stipulation to furnish annually to the U. States, a loan of                    with an interest not exceeding                   , the principal not to be demanded within                    years after the conclusion of the war,

<sup>1</sup> This report, in the writing of John Lewis Gervais, is in the *Papers of the Continental Congress*, No. 32, folio 377. The indorsement states that it was passed this day. The petition, dated July 2, 1782, of Matthew Potan, is in No. 42, VI, folio 276.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 489. It was referred on this day, the indorsement states, to Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. [Theodorick] Bland, Mr. [James] Duane. See *post* Nov. 12.

<sup>3</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

A letter, dated Amsterdam, March 25, 1782, from John de Neufville & Son of the Secretary for Foreign Affairs was read on this day, as the indorsement shows. It is in the *Papers of the Continental Congress*, No. 145, folio 121.

and the payment of the interest to be suspended during the war; or in case the U. Provinces shall refuse to stipulate such a loan, that the said Minister endeavor to obtain their engagement, to authorise and countenance a loan from their subjects and to guaranty if requisite the due payment of the interest and repayment of the Principal by the U. States.

That in case Definitive steps shall have been taken in the proposed Treaty, the said Minister Plenipo: be instructed still to represent to the U. Provinces the great advantages which would result as well to them as to the U. States from such pecuniary succours to the latter as would give stability to their finances, and energy to their measures against the common Enemy: and to use his utmost address to prevail on them either to grant directly the loan above mentioned, or to support by such responsibility which as may be necessary the applications made to individuals for that purpose, on the part of the U. States.

The Committee beg leave to observe that in the Treaty between the U. S. and M. C. Majesty, it is among other things stipulated that the subjects of the parties "may by testament, donation or otherwise dispose of their goods immoveable as well as moveable, in favor of such persons, as to them shall seem good, and the heirs of the respective subjects, wheresoever residing, may succeed them *ab intestat* without being obliged to obtain letters of naturalization:"

That the plan of the proposed Treaty between the U. S. and the U. P. with which the Minister Plenipo: of the former is furnished, extends this privilege to the subjects of the latter, under a general stipulation of the same privileges as are allowed to the most favor'd nation:

That as it is not probable that the U. P. have granted, or will grant this privilege even to the most favored nation, the said treaty if executed in its present form, will engage the U. S. in a concession which will not be reciprocal, and which if reciprocal, would not be equally beneficial to the parties:

That in the opinion of the Committee it is at least questionable whether the extension of this privilege to the subjects of other powers than of France and Spain will not encroach on the rights reserved by the federal articles to the individual states:

That without enquiring into the inconveniences which may result from an indefinite permission to aliens to hold and transmit real estates within this country the apparent reluctance of some of the States, notwithstanding the special clause in the federal articles with respect to France, and their favorable disposition towards her, to



pass the proper laws on this subject, renders their compliance in case of a similar engagement to another power, extremely precarious:

That in order to avoid these difficulties and consequences, the Committee recomend further:

That the s<sup>d</sup> Minister Plenipo: be instructed in case no steps inconsistent therewith, shall have been taken, to decline stipulating to the subjects of the U. Provinces any right or privilege of holding any real estates within the U. States.<sup>1</sup>

The Committee [Mr. Abraham Clark, Mr. David Howell, and Mr. Benjamin Huntington] to whom was referred the report of the Superintendant of finance beg leave to report:

That a commissioner be appointed to settle the Accounts of the Loan Officers in the several states, in like manner with those directed to be appointed by the Act of the 27th of February last, and that said commissioner be vested with like authority and entitled to a like reward for his services with those to be appointed by the said Act.

That upon obtaining full information of the particular services performed by the respective loan officers for which no allowance hath been made, Congress will provide such reasonable compensations for the same as from the nature and extent of the business, the claimants may appear to be justly entitled to.<sup>2</sup>

*Ordered*, That a petition of James Deane respecting his salary be referred to the Superintendant of Finance.

That a petition of John Jordan and others wounded and disabled in the action with the Seraphis for half pay be referred to the Superintendant of Finance as Agent of Marine.<sup>3</sup>

<sup>1</sup> This report, in the writing of James Madison, is in the *Madison Papers*. Vol. 1, folio 48. It is indorsed by Charles Thomson: "8<sup>th</sup>, last part recommitted." The committee consisted of Mr. James Madison, Mr. James Duane, and Mr. George Clymer. According to Committee Book No. 186, they were appointed July 3, and delivered their report July 5. See *post* July 17.

<sup>2</sup> This report was, as the indorsement shows, delivered June 21; read June 26; debated July 8, and "on the question six states were in the affirmative, three in the negative and one divided, and thus the report was lost." It was recommitted. It is in the writing of Abraham Clark, and is in the *Papers of the Continental Congress*, No. 29, folio 201.

<sup>3</sup> These orders were entered only in the journal kept by the Secretary of Congress for the Superintendant of Finance: *Morris Papers, Congressional Proceedings*.

On this day, according to the indorsement, a remonstrance of the 8<sup>th</sup> from Blair McClenachan and others, proprietors of loan office certificates, was read and referred to the Superintendent of Finance. It is in the *Papers of the Continental Congress*, No. 43, folio 177-186. See *post*, August 5.

Also, a letter dated Bruxelles, April 11, 1781, from James Smith, enclosing a paper dated Oct. 25, 1780, "from an American at Bruxelles to his old acquaintances the John Bulls in England" etc. It is in No. 78, XXI, folios 165-257.

## TUESDAY, JULY 9, 1782

On a report of the Secretary at War, to whom was referred a petition of Matthew Potan:

WAR OFFICE *July 8, 1782.*

Mr. Potan in his Petition to Congress referred to me, prays allowance for one year's pay presented to officers deranged in the year 1778. For his depreciation of pay as a subaltern in the fourth Pennsylvania Regiment from the first day of July, 1778, to the 26<sup>th</sup> day of December, 1779, at which time he resigned, and for seven months' pay having served that time with New York State troops in the year 1780. As his being allowed the several sums he requests or not depends on the sense Congress put on their own resolves, I beg leave in short to state his demands and recite a resolve of Congress or two which may serve to throw some light on the subject.

In the year 1778 many officers were deranged; afterwards on the 24<sup>th</sup> of November Congress resolved that all such officers (as a provision until they could return to civil life) should receive one year's pay. Mr Potan was deranged on the 24<sup>th</sup> of May 1778 and was appointed to the same rank he gave up in the line of the State of Pennsylvania on the 1<sup>st</sup> of July following. He now prays allowance for the year's pay promised to deranged Officers. He asks for the depreciation of his pay while a subaltern in the line of the State of Pennsylvania. He resigned his commission prior to the resolve of Congress of the 10<sup>th</sup> April 1780, in which they promised to make good the deficiency of the pay of the army occasioned by depreciation. If provision is made I think it should be a general one, that all officers in his situation, many of whom there are, should be equal sharers in the benefits of it.

His last request is that Congress would pay him seven months' pay due to him while he served in a Corps of troops raised by New York. If Congress have undertaken to pay that Corps, I do not see how they can attend to the request of individuals of it.<sup>1</sup>

*Ordered,* That the said petition be dismissed.

The committee, consisting of Mr. [Samuel] Wharton, Mr. [James] Madison and Mr. [Samuel] Osgood, to whom was referred a letter of the 20 June, from the Superintendent

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 493.

of finance, as agent of marine, reported the draught of "an ordinance for the better distribution of prizes in certain cases," which was read a first and second time.

*Ordered*, That to-morrow be assigned for a third reading.

Congress proceeded to the election of a judge-advocate for the army, and, the ballots being taken, James Innis, esq. was elected, having been previously nominated by Mr. [Theodorick] Bland.

The Committee [Mr. Elias Boudinot, Mr. Samuel John Atlee, Mr. John Lowell, Mr. Ralph Izard, and Mr. William Few] to whom the Report of the Commissioners for settling a Cartel &c. and Gen<sup>l</sup> Washington's letter thereon were referred report the following resolution:

Whereas there is good reason to believe that many of the inhabitants of these U. States who have been by the artifice of the Enemies of our country deluded from their allegiance and duty and are now bearing arms as non-commissioned officers and privates in their corps have a disposition to quit their service and enter into that of the U. States if they could be assured of pardon for such offence,

*Resolved*, That it be recommended to the Legislatures of the several States immediately to take into consideration the propriety of offering pardon to such non-commissioned officers and privates who have been refugees from these States and are now in the Corps of the Enemy under such conditions limitations and exceptions as they may think proper.<sup>1</sup>

### WEDNESDAY, JULY 10, 1782

On motion of Mr. [James] Duane, seconded by Mr. [Ezekiel] Cornell,

*Ordered*, That an official account of the election made yesterday of a judge-advocate, be not transmitted until the

<sup>1</sup> This report, in the writing of John Lowell, is in the *Papers of the Continental Congress*, No. 24, folio 59. The indorsement shows that it was read June 26, and postponed on this day. See *ante* June 17.

On this day, according to the indorsement, a letter of June 20 was read from the Governor of North Carolina, inclosing a letter from Commodore Gillon to the Governor of South Carolina, announcing the reduction of the Bahamas. It is in No. 72, folio 139.

Also, a letter of May 31, from Major General Greene relative to overtures for peace. It is in No. 155, II, folio 457.

committee appointed to consider the most just and practicable means of reducing the expenditures of the United States in the several departments shall have reported.

*Ordered*, That the committee report, with all convenient speed, the pay and emoluments proper to be allowed to a judge-advocate.

"An act for aiding and more effectually carrying into execution certain acts of Congress of the 20 and 27 of February, 1782," passed by the legislature of Delaware, was laid before Congress and read.

*Ordered*, That an Act for aiding and more effectually carrying into execution certain Acts of Congress of the 20th and 27th of February, 1782, passed by the State of Delaware be referred to the Superintendant of Finance.<sup>1</sup>

According to the order of the day, was read a third time and passed as follows:

AN ORDINANCE FOR ~~RENDERING THE SUPPORT OF THE MARINE LESS~~  
~~EXPENSIVE~~ THE BETTER DISTRIBUTION OF PRIZES IN CERTAIN  
CASES.

Be it ordained by the United States in Congress assembled, that so much of the ordinance, entitled, "An ordinance ascertaining what captures on water shall be lawful," as ordains that upon the capture of a vessel commissioned as a man of war or a privateer by any of the vessels of war of the United States of America, the whole of the property condemned shall be adjudged to the captors, be, and the same is hereby repealed; and that in all such cases of capture ~~of the property condemned one half only shall be adjudged to the captors, and the other half to the United States to be appropriated to their use, unless the vessel taken be of equal or superior force, in which case the whole shall be adjudged to the captors.~~ [the whole of the property condemned shall be adjudged to the use of the captors, if the vessel taken shall be of equal or superior force to the vessel making the capture: if otherwise, one-half only shall be adjudged to the captors, and the other half to the use of the United States, and shall after condemnation be so appropriated, unless the United States in Congress

<sup>1</sup> That order was entered only in the journal kept by the Secretary of Congress for the Superintendant of Finance: *Morris Papers, Congressional Proceedings.*

assembled, in reward of distinguished valour and exertion, shall otherwise specially direct.]

And be it further ordained by the authority aforesaid, that the resolution of the 15 day of November, 1776, giving to the commanders, officers and men of ships or vessels of war, a bounty for every cannon and for every man belonging to British ships or vessels of war captured by them, be, and the same is hereby repealed.

Done by the United States in Congress assembled, &c.<sup>1</sup>

That a Commission issue appointing [William] Carmichael Esq., Secretary to the embassy to the Court of Versailles, and in the absence of the Minister Plenipotentiary Chargé de Affaires at said court, and that thereupon the commission of Secretary of the Embassy and Chargé de Affaires to the Court of Madrid heretofore granted to Mr. Carmichael be revoked as unnecessary to be continued at this time.<sup>2</sup>

#### THURSDAY, JULY 11, 1782

On the report of a committee, consisting of Mr. [John] Rutledge, Mr. [James] Madison and Mr. [John Morin] Scott, to whom was referred a motion of Mr. [Arthur] Lee:

*Resolved*, That the commander in chief be directed to remand immediately Lieutenant General Earl Cornwallis to the United States, unless the Honorable Henry Laurens be forthwith released from his captivity, and furnished with passports to any part of Europe or America at his option, or be admitted to a general parole.<sup>3</sup>

On a report of the committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. [Theodorick] Bland and Mr. [James] Duane, appointed to con-

<sup>1</sup> This ordinance, in the writing of James Madison, except the part in brackets which is in that of Samuel Wharton, is in the *Papers of the Continental Congress*, No. 28, folios 237 and 235.

<sup>2</sup> This motion, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 25, II, folio 207. It is indorsed by Thomson: "A motion of Mr. [Abraham] Clark seconded by Mr. [John Morin] Scott July 10, 1782, to amend the report." See *ante*, May 28, for the report.

<sup>3</sup> This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 19, I, folio 607.

sider and report to Congress the most just and practicable means of reducing the expenditures of the United States:

*Resolved*, That the pay of the judge advocate for the army of the United States be seventy-five dollars per month: that he be allowed two rations a day, and twelve dollars and two-thirds of a dollar per month for subsistence; also a two horse wagon, with forage for two saddle horses: that he be also allowed for a servant six dollars and two-thirds of a dollar per month, for which servant he shall be entitled to draw the rations and cloathing of a private in the army.

*Resolved*, That the pay of the deputy judge advocate for the southern army, who shall be taken from the line, be sixty dollars per month, including his pay in the line: that he be allowed two rations per day, and twelve dollars and two-thirds of a dollar per month for subsistence, including what he may be entitled to as an officer in the line; also a two horse wagon, with forage for two saddle horses, [including what he may be entitled to as an officer in the line]; that he be also allowed for a servant six dollars and two-thirds of a dollar per month, for which servant he shall be entitled to draw the rations and cloathing of a private in the army, [in this last case he shall not be allowed a servant from the line.]

*Resolved*, That the deputy judge advocate employed in the same army with the judge advocate, be taken from the line of the army, who shall receive, in addition to his pay in the line, fifteen dollars per month; that he be also allowed for a servant the same as the judge advocate, and that he be allowed forage for one saddle horse.

*Resolved*, That all resolutions heretofore passed respecting the pay and allowance in the department of judge advocate be, and the same are hereby repealed.

*Resolved*, That junior lieutenants, who were to retire agreeably to the act of Congress of the 23 day of April last, ~~but are willing to do the duty of ensigns~~ may at their



option be retained in their present pay and rank as far as there are vacant ensigncies in their respective corps.

*Resolved*, That the Secretary at War issue no more commissions to officers promoted or appointed, until the farther order of Congress.<sup>1</sup>

On the report of a committee, consisting of Mr. [John] Rutledge, Mr. [Abraham] Clark and Mr. [Arthur] Lee, to whom was referred a letter of 10, from the Secretary at War:

*Resolved*, That the Secretary at War take immediate order to have all the British prisoners of war closely confined, and to stop all issues of provision to the women and children who are with them, directing passports to be granted to such of the women with their children, who may not incline to remain in the country and support themselves, to go to New York; and in case any of the said women remaining, shall neglect to support themselves and their children by their industry, or commit any offence against the laws of the State, that it be, and it is hereby recommended to the executive authority of the State, in which they may be found, to take measures for immediately removing such idle and disorderly women into New York.<sup>2</sup>

~~On a report from the Secretary at War, to whom was referred a memorial from Stewart and Totten in behalf of Muscoe Livingston,~~

WAR OFFICE, *June 25<sup>th</sup> 1782.*

SIR,

On the memorial in behalf of Muscoe Livingston, I beg leave to observe, if Congress shall be of opinion, that under the present state of affairs, there is a propriety in granting the request of M<sup>r</sup> Livingston they will please to resolve,

That the Agent of Marine be impowered to grant a pass to such vessels as shall be employed by Muscoe Livingston for the purpose of

<sup>1</sup> This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 21, folio 271. The words in brackets were added in Congress.

<sup>2</sup> This report, in the writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 27, folio 171. The Secretary at War's letter is in No. 149, I, folio 497.

bringing his family and effects from the Island of Jamaica to one of the United States.<sup>1</sup>

~~Resolved, That the Agent of Marine be and he is hereby~~  
 July 12, 1782, re- ~~empowered to grant a pass to such vessels as~~  
 considered. ~~shall be employed by Muscog Livingston for~~  
~~the purpose of bringing his family and effects from the~~  
~~island of Jamaica to one of the United States, and that~~  
~~the said Agent of Marine take bond with sufficient surety~~  
~~that neither the said Muscog Livingston nor any person~~  
~~acting in his behalf shall, under the cover of said pass-~~  
~~port, carry on any kind of clandestine commerce with the~~  
~~enemy.~~

The committee, consisting of Mr. [John Morin] Scott, Mr. [Arthur] Lee and Mr. [Abraham] Clark, reported the draught of an ordinance more effectually to prevent illicit trade with the enemy; which was read the first time, and to-morrow is assigned for the second reading.<sup>2</sup>

#### FRIDAY, JULY 12, 1782

On a report from the Secretary at War, to whom was referred a petition of Darius Stoddard:

*Resolved*, That the State of Connecticut be requested to make up the depreciation of Dr. Darius Stoddard, during his service as a surgeon's mate and surgeon in the army of the United States.<sup>3</sup>

On a motion of Mr. [David] Howell, seconded by Mr. [Eliphalet] Dyer,

<sup>1</sup> A copy of this report is in the *Papers of the Continental Congress*, No. 149, I, folio 425. The indorsement says it was referred to the Superintendent of Finance as Agent of Marine on this day.

<sup>2</sup> On this day, according to the indorsement, Congress granted leave of absence to George Bond, Deputy Secretary, on his letter of July 10. The letter is in the *Papers of the Continental Congress*, No. 78, IV, folio 317.

Also, was read a letter from Major General Samuel H. Parsons, dated June 4. It is in No. 152, X, folio 609, and was referred to the Secretary of War.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 501.

*Resolved*, That the commissioners appointed or to be appointed pursuant to the act of 20 of February last, be empowered and directed to settle the accounts of the loan officers in the respective states.

On motion of Mr. [Abraham] Clark, seconded by Mr. [John] Lowell,

*Ordered*, That the Superintendant of finance, as agent of marine, lay before Congress a copy of the last instructions given to Captain Harding by the late Board of Admiralty.

The ordinance more effectually to prevent illicit trade with the enemy, was read a second time, and Monday next assigned for the third reading.

On motion of Mr [Theodorick] Bland seconded by Mr [John Morin] Scott

*Ordered*, That Lieut. Col. J. Laurens' letters and reports to Congress concerning his mission to the Court of France and the loans and donation in specie obtained from that Court and the disposition made by him respecting the said donation and loans, and respecting the purchases and contracts made by him (on the credit thereof and for freight &c.) or by others, and paid for out of monies obtained from the Court of France on his application, be referred to a Comt<sup>ee</sup> to make strict inquiry into the causes of detention of the money goods &c. and report thereon to Congress.

The Members Mr [Theodorick] Bland, Mr [Jonathan] Jackson, Mr. [David] Howell.<sup>1</sup>

The Committee [Mr. Abraham Clark, Mr. David Howell and Mr. Benjamin Huntington] to whom was recommitted the report of the Committee on the report of the Superintendant of Finance, report,

That in order to settle as soon as practicable the accounts of the Loan officers in the several States, two Commissioners be appointed for that purpose, in like manner with those directed  
 Postponed. to be appointed by the Act of the 27<sup>th</sup> of February last, one of which Commissioners to settle said accounts in all the States Eastward of Pennsylvania: the other of which to settle said accounts in all the States South of New Jersey. That each of said Commissioners be vested with like authority and entitled to like reward

<sup>1</sup> This motion, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, II, folio 129. It is dated by Thomson July 12.

for their services with those to be appointed by the Act above mentioned.

That the Commissioners hereby directed to be appointed together with those who have been or may be appointed by the said Act of the 27<sup>th</sup> of February before they enter upon the execution of their offices, severally take the oath directed by the Act of the 20<sup>th</sup> of February last to be taken by the Commissioners therein mentioned, and deposit certificates of such oaths in the Office of Finance.

That upon obtaining full information of the particular services performed by the respective Loan Officers for which  
 Negatived. no allowance hath been made, Congress will provide such reasonable compensations for the same as from the nature and extent of the business the claimants may appear to be justly entitled to.<sup>1</sup>

[Mr Theodorick Bland's and Mr John Morin Scott's Motion. July 12, 1782.]

That Col: Laurens's letters and reports to Congress concerning his Mission to the Court of France and the loans and donation in specie obtained from that Court and the disposition made by him respecting the said donation and loans, and respecting the purchases and Contracts made by him on the credit thereof and for freight [or by others and paid for out of monies obtained from the Court of France on his application] &c be referred to a Committee to make strict enquiry into the causes of detention of the money, goods &c and report thereon to Congress.<sup>2</sup>

WAR OFFICE, July 12, 1782.

SIR:

On Governor Livingston's letter to Your Excellency, referred to me, I beg leave to observe that the information of the mail being robbed arrives too late to give any probable hopes of success, should we attempt to recover it.

Measures may be taken to prevent similar accidents in future, and for this purpose I beg leave to submit to the consideration of Congress the propriety of employing, at this inactive stage of the campaign, escorts of dragoons to attend the several post-riders;

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 29, folio 197. The indorsement shows that it was acted on this day.

<sup>2</sup> This motion, in the writing of Theodorick Bland, except the words in brackets, which are in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 36, I, folio 347.

stationary detachments may be fixed at the different stages, at convenient distances, and a number of light-horse may be quartered in this city, who may be used occasionally by the Post Master General to carry public dispatches.<sup>1</sup>

[Motion of Mr. Silas Conduct. Referred to Mr. John Morin Scott, Mr. Abraham Clark, Mr. Samuel John Atlee]

That the Secretary at War be directed to furnish a guard of dragoons for the more safely conveying the public mail from the post office in Philadelphia to the post office at Norristown.<sup>2</sup>

### MONDAY, JULY 15, 1782

Mr. [Joseph] Montgomery and Mr. [Jesse] Root, the two members sent to the states eastward of Pennsylvania, being returned, took their seats.

The committee, consisting of Mr. [Arthur] Lee, Mr. [David] Ramsay and Mr. [John] Lowell, ~~to whom was referred a motion of Mr. [Arthur] Lee for examining~~ appointed to examine Captain Barry, touching the loss of the ship *La Fayette*, having reported the result of their examination:

The Committee to whom was referred the resolution for examining Cap<sup>t</sup> Barry, Commander of the Frigate *Alliance*, touching the loss of the Ship *la Fayette*; beg leave to report as follows,

That having called Cap<sup>t</sup> Barry before them, he gave the Committee the following information:

That on his arrival at L'Orient in France about the 7<sup>th</sup> March, 1781, having orders to take in any public stores, or convoy any Ship containing such stores for the United States, he enquired of M<sup>r</sup> Moylan the Agent there, whether there were any public goods for him to

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 61, folio 513. Committee Book No. 186 shows that it was referred, on the same day, to Mr. [John Morin] Scott, Mr. [Abraham] Clark, and Mr. [Samuel John] Atlee. The letter from Governor Livingston, dated July 11, is in No. 63, folio 595, and, according to Committee Book No. 186, was referred to the Secretary of War on the 12th.

<sup>2</sup> This motion, in the writing of Silas Conduct, is in the *Papers of the Continental Congress*, No. 61, folio 509. According to the indorsement it was made on this day.

On this day, according to the indorsement, was read a memorial of Arthur Lee, and referred to Mr. [John] Witherspoon, Mr. [John] Lowell and Mr. [Arthur] Middleton. It is in No. 41, V, folio 231.

carry, and was answered that there were not, for that a ship was chartered by Mr Williams for that purpose. Col<sup>l</sup> Laurens and himself examined some bales of the clothing, and thought the cloth good, but they did not unpack any of them, so as to judge of the size of the uniforms. He advised the Captain of the *la Fayette* to go immediately to Brest, and sail with the convoy then going from that port. But instead of doing this, he lent his seamen to other ships, and remained in port. He thinks the Captain shewed constantly a reluctance in preparing to sail, and when he got him under his convoy, which was towards the last of March, 1781, he appeared very unwilling to make sail. After having been about three weeks at sea, in a gale of wind, and during a squall which split the foresail and fore top sail of the *Alliance*, so that she could not put before the wind, the *la Fayette* disappeared. When the squall commenced she was within hailing distance of the *Alliance*.

Cap<sup>t</sup> Robinson of South Carolina, now in L'Orient, who was then on board the *la Fayette*, has informed Cap<sup>t</sup> Barry by letter, that in the thickest of the squall, the Captain of the *la Fayette* put his ship before the wind and sailed away, tho' he, Cap<sup>t</sup> Robinson, remonstrated with him, that the *Alliance* could not steer that course, and that he must inevitably lose his convoy. This was directly contrary to his proper course.

Cap<sup>t</sup> Barry says he gave the Captain of the *la Fayette* signals both of colours and guns, but he went off without making any signal so that tho' he cruised for him two days, he could not fall in with him. The *la Fayette* was an Indiaman exceedingly old, but sailed very well. She carried 26 18 p<sup>ds</sup> on one deck and 12 or 14, 6 p<sup>ds</sup> on her forecastle and quarter deck, with about 200 men.

Mr Williams informed Cap<sup>t</sup> Barry that he chartered this Ship of Mr de Chaumont, at Dr Franklin's table, for 10 guineas per ton measurement. That there was no charter party, but a verbal agreement that she should be ready by Oct<sup>r</sup>, 1780. The freight for about eleven hundred tons measurement, was paid by Mr Williams in Bills on Dr Franklin, before the Captain signed the Bills of Loading, which were to land the cargo in any part of America. From a calculation made by Captain Barry with Mr Williams, the public stores shipped in the *la Fayette* amounted to about 450 tons. He was informed by Mr Williams and Mr Moylan that what was shipped on the public account was—100 tons of salt petre, 26 iron 18 pounders, 15,000 old gun barrels, some sole and harness leather, uniforms for 10,000 men,



and cloth for 5 or 6,000. Yet the Ship appeared to be very deeply laden.

Upon this your Committee agreed to report the following resolution,

*Ordered*, That the secretary transmit a copy of the report to Captain Barry, to be compared with the log-book of the *Alliance*, corrected if there should be any mistakes, and signed and sworn to by him, and returned to Congress together with Captain Robinson's letter referred to in his information.<sup>1</sup>

An act passed by the legislature of Maryland was laid before Congress and read, entitled, "An act to authorise the United States in Congress assembled, to impose and levy a duty of five per centum on imported foreign goods, and on all prizes and prize goods, for the payment of the debt contracted by Congress during the war."<sup>2</sup>

WAR OFFICE, *July 15, 1782.*

SIR,

On the letter from Major General Parsons to Congress requesting leave of absence from the army until called for, referred to me, I beg leave to submit the following resolve,

*Resolved*, That Major General Parsons be permitted to retire from service with the emoluments granted to officers retiring as supernumeraries.<sup>3</sup>

<sup>1</sup> This report, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 19, I, folio 225.

<sup>2</sup> The letter, dated July 12, from the Governor of Maryland, transmitting the act, is in the *Papers of the Continental Congress*, No. 70, folio 509.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 505. It was referred on this day, the indorsement states, to Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. [Joseph] Montgomery.

On this day, according to the indorsement, was referred to the same committee a letter of the 15, from the Secretary at War, enclosing a letter from General Washington and copy of one from Brigadier General Glover. It is on folio 509.

Also, a letter from General Washington, dated Head Quarters July 9, enclosing correspondence with the British Commander in Chief, relative to the exchange of American seamen for British soldiers, was read and referred to Mr. [John] Witherspoon, Mr. [James] Madison and Mr. [John] Rutledge. It is in No. 152, X, folio 595. It is printed in the *Writings of Washington* (Ford) X, 41.

TUESDAY, JULY 16, 1782

James Wilson and Jonathan Dickinson Sergeant, esqrs. agents for the Commonwealth of Pennsylvania, with Henry Osborne, esq. solicitor and agent, appeared in behalf of that Commonwealth; and Eliphalet Dyer and Jesse Root, esqrs. agents for Connecticut, appeared in behalf of that State, in the cause depending before the United States of America in Congress assembled, between the said Commonwealth of Pennsylvania and the State of Connecticut.

The agents for Pennsylvania produced new powers, which were read in the words following:

In the Name and by the Authority of the Freemen of the Commonwealth of Pennsylvania, His Excellency William Moore, Esq<sup>r</sup> President, and the Supreme Executive Council of the said Commonwealth: To William Bradford, Esq<sup>r</sup> Attorney General of the said Commonwealth, Joseph Reed, James Wilson, Jonathan Dickinson Sergeant, and Henry Osborne, Esqrs.

We reposing especial Trust and Confidence in your Prudence, Integrity and Abilities, do by these presents constitute and appoint you the said William Bradford, Joseph Reed, James Wilson, and Jonathan Dickinson Sergeant, our Wm. Moore, Counsellors and Agents, and you the said Henry President. Osborne, our Solicitor and Agent, in the Cause now depending before the United States of America in Congress assembled, between the said Commonwealth and the State of Connecticut: Hereby ratifying and confirming all and whatsoever you or any of you shall lawfully do or cause to be done, touching the said Cause between the said States of Pennsylvania and Connecticut.

Given, by Order of the Council, under the Hand of His Excellency William Moore, President, and the Seal of the State, at Philadelphia, this twenty sixth Day of June, in the year of our Lord one thousand seven hundred and eighty two.

Attest:

T. MATLACK, Secy.<sup>1</sup>

<sup>1</sup> The original is in the *Papers of the Continental Congress, Pennsylvania, Credentials of Delegates.*

The agents of Connecticut having objected against the powers of the agents of Pennsylvania, and moved that it may be shewn that the supreme executive council of Pennsylvania have a right to grant such powers and commission:

*Ordered*, That the agents withdraw.

On motion that the agents of Pennsylvania and Connecticut be called in and informed by the President, that the powers given to the agents of Pennsylvania and Connecticut are in the judgment of Congress sufficient.

The yeas and nays being required by Mr. [Thomas] Smith,

<i>New Hampshire</i> ,			<i>Delaware</i> ,		
Mr. Gilman,	ay	}	Mr. McKean,	ay	}
<i>Massachusetts</i> ,			Dickinson,	ay	
Mr. Osgood,	no	}	Wharton,	no	
Lowell,	no		<i>Maryland</i> ,		
Jackson,	no		Mr. Hanson,	ay	}
<i>Rhode Island</i> ,			<i>Virginia</i> ,		
Mr. Cornell,	no	}	Mr. Madison,	no	}
Howell,	no		Bland,	ay	
<i>Connecticut</i> ,			Lee,	no	
Mr. Root,	no	}	<i>South Carolina</i> ,		
Dyer,	no		Mr. Rutledge,	ay	}
Huntington,	no		Ramsay,	ay	
<i>New York</i> ,			Izard,	no	
Mr. Duane,	ay	}	Middleton,	ay	
<i>New Jersey</i> ,			<i>Georgia</i> ,		
Mr. Clark,	ay	}	Mr. Telfair,	ay	}
Condict,	ay		Jones,	ay	
Witherspoon,	no		Few,	ay	
<i>Pennsylvania</i> ,					
Mr. Montgomery,	ay	}			
Smith,	ay				
Clymer,	ay				

So the question was lost.

A motion was then made by Mr. [Arthur] Lee, seconded by Mr. [James] Madison,

That the agents be called in and desired to proceed.

And the yeas and nays being required by Mr. [Thomas] Smith,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	}	Mr. McKean,	ay	} ay
<i>Massachusetts,</i>			Dickinson,	ay	
Mr. Osgood,	ay	} ay	Wharton,	ay	
Lowell,	ay		<i>Maryland,</i>		
Jackson,	ay		Mr. Hanson,	ay	} *
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Cornell,	ay	} ay	Mr. Madison,	ay	} ay
Howell,	ay		Bland,	no	
<i>Connecticut,</i>			Lee,	ay	
Mr. Root,	ay	} ay	<i>South Carolina,</i>		
Huntington,	ay		Mr. Rutledge,	ay	} ay
Dyer,	ay		Ramsay,	ay	
<i>New York,</i>			Izard,	ay	
Mr. Duane,	ay	} *	Middleton,	ay	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Clark,	ay	} ay	Mr. Telfair,	ay	} ay
Condict,	ay		Jones,	ay	
Witherspoon,	ay		Few,	ay	
<i>Pennsylvania,</i>					
Mr. Montgomery,	ay	} ay			
Smith,	ay				
Clymer,	ay				

So it was resolved in the affirmative.

The agents being accordingly called in, and the parties having been fully heard:

On motion that the appointment presented to Congress by the agents for Pennsylvania is sufficient,

The yeas and nays being required by Mr. [Thomas] Smith,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Gilman,	ay	} *	Mr. Cornell,	ay	} ay
<i>Massachusetts,</i>			Howell,	ay	
Mr. Osgood,	ay	} ay	<i>Connecticut,</i>		
Lowell,	ay		Mr. Root,	no	} no
Jackson,	ay		Huntington,	ay	
			Dyer,	no	

<i>New York,</i>			<i>Maryland,</i>		
Mr. Duane,	ay	} *	Mr. Hanson,	ay	} *
<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Clark,	ay	} ay	Mr. Madison,	ay	} ay
Condict,	ay		Bland,	ay	
Witherspoon,	ay		Lee,	ay	
<i>Pennsylvania,</i>			<i>South Carolina,</i>		
Mr. Montgomery,	ay	} ay	Mr. Rutledge,	ay	} ay
Smith,	ay		Ramsay,	ay	
Clymer,	ay		Izard,	ay	
			Middleton,	ay	
<i>Delaware,</i>			<i>Georgia,</i>		
Mr. McKean,	ay	} ay	Mr. Telfair,	ay	} ay
Dickinson,	ay		Jones,	ay	
Wharton,	ay		Few,	ay	

So it was resolved in the affirmative.

On motion of Mr. [James] Duane, seconded by Mr. [Abraham] Clark,

*Resolved*, That the agents of Pennsylvania and Connecticut be, and they are hereby, directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question, agreeably to the 9th Article of the Confederation.

*Ordered*, That a motion of Mr. [John] Witherspoon for an appointment of J. Hardy be referred to the Superintendent of Finance as Agent of Marine to report.<sup>1</sup>

### WEDNESDAY, JULY 17, 1782

The ordinance more effectually to prevent illicit trade with the enemy, was read a third time and passed as follows:

#### AN ORDINANCE MORE EFFECTUALLY TO PREVENT ILLICIT TRADE WITH THE ENEMY.

Whereas a ~~traitorous~~ pernicious commerce is carried on by some of the inhabitants of these United States with the enemy, by means of collusive captures on the water; for remedy thereof,

<sup>1</sup>This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

Be it ordained by the United States in Congress assembled, and it is hereby ordained by the authority of the same, that whenever such collusion shall appear in evidence on the trial of any capture, the vessel and her cargo shall be adjudged and condemned as lawful prize, to the use of ~~these United States~~ the State in which such trial shall be had, except in such case wherein any person or persons shall, before sentence or judgment given, interpose his or their answer and claim, charging the capture to have been collusively made, and shall support such answer and claim by sufficient proof; in which case the property captured shall be sentenced and adjudged as lawful prize, one moiety thereof to the use and behoof of such claimant or claimants, and the other moiety thereof to the use and behoof of ~~these United States~~ the State into which the prize shall be carried for condemnation; provided always, that in every cause of prize, wherein no such answer and claim shall be interposed, or being interposed shall not be supported by sufficient proof, if the court shall, in their opinion, have cause to suspect the capture to have been collusive, it shall demand of the captors sufficient proof that the same was *bona fide*, and not collusively made, and on failure of such proof to the satisfaction of the court, such capture shall be deemed collusive, and the property so captured shall be adjudged and condemned as lawful prize, to the use and behoof of ~~these United States~~ such State as aforesaid.

~~Provided nevertheless that nothing herein contained shall be understood to contravene the municipal laws of any State, relative to such collusive captures.~~

Done || by the United States in Congress assembled, || &c.<sup>1</sup>

The committee, consisting of Mr. [James] Madison, Mr. [James] Duane and Mr. [George] Clymer, appointed to revise the instructions given to Mr. J. Adams, relative to a treaty of commerce with the United Provinces of the Netherlands, having submitted the following remarks and resolutions, viz.

<sup>1</sup> The ordinance, in this writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 59, III, folio 427. The committee was composed of Mr. John Morin Scott, Mr. Arthur Lee and Mr. Abraham Clark.

The proceedings for the rest of this day were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.



“They observe, that in the treaty between the United States and his Most Christian Majesty, it is among other things stipulated, that the subjects of the parties may by testament, donation or otherwise, dispose of their goods *immoveable*, as well as moveable, in favour of such persons as to them shall seem good; and their heirs, wheresoever residing, may succeed them *ab intestat* without being obliged to obtain letters of naturalization.

“That the second article of the proposed treaty between the United States and the United Provinces, with which the minister plenipotentiary of the former is charged, contains a general stipulation to the subjects of the parties that they shall enjoy mutually the same commercial exemptions and privileges as are or may be allowed to the most favoured nations; under which general stipulation, claims and expectations may be excited in the subjects of the United Provinces of an entire equality under the laws of the United States with the subjects of his Most Christian Majesty.

“That the sixth article of the said proposed treaty proceeds farther, and expressly stipulates, that the subjects of the parties may, by will or otherwise, dispose of, to such persons as to them may seem good, the effects, moneys, debts or goods *immoveable*, as well as moveable which they have, or ought to have within the dominions of either of the parties; and their heirs, although not naturalized, shall freely and quietly take possession of all the said goods and effects whatsoever, according to the laws of each country respectively, in such manner however that the wills and right of entering upon the *inheritances* of persons dying intestate, must be proved according to the law in those places where such person may happen to die, any law, statute, custom or right whatsoever notwithstanding.

“That in the opinion of the committee, it is not altogether clear that the stipulation of the right above stated to the subjects of his Most Christian Majesty does not encroach on the rights reserved by the federal articles to the individual states; and very clear that an extension of it to the subjects of other powers than of Spain will be chargeable with such encroachment.

“That without enquiring into the inequality of this stipulation, as it will probably be exercised by the citizens of the United States and the subjects of the United Provinces, or into the inconveniences which may result from an indefinite license to aliens to possess real property within the United States, the committee infer from the repugnance shown by some of the states to such an indulgence to the subjects of France, notwithstanding the special clause in the federal articles relative to that country, and our peculiar relation to it, that the compliance of the states with a like engagement to another power will be extremely precarious.

“That in order to avoid these difficulties and consequences it appears to the committee expedient to resolve as follows, viz.

“That the minister plenipotentiary for negotiating a treaty of amity and commerce with the United Provinces of the low countries be and he hereby is instructed so to vary the tenor of the *second* and *sixth* articles in the plan of treaty transmitted to him, as to exclude all right or pretext in the subjects of either of the contracting parties to acquire or hold within the dominions of the other party any real estate, or estate of inheritance, whatsoever; and to be careful not to admit into other parts of the said treaty any terms or expressions from which such right or pretext may be inferred; provided, that the said minister plenipotentiary be at liberty to depart from this instruction in case he shall have taken

steps towards a conclusion of a treaty with the United Provinces which, in his opinion, are inconsistent therewith."

On the question to agree to the resolution, the yeas and nays being required by Mr. [James] Madison—

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	no	}	Mr. Dickinson,	no	}
<i>Massachusetts,</i>			Wharton,	no	
Mr. Osgood,	no	}	<i>Maryland,</i>		
Lowell,	no		Mr. Hanson,	ay	}
Jackson,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Madison,	ay	
Mr. Cornell,	no	}	Bland,	no	}
Howell,	no		Lee,	no	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Root,	no	}	Mr. Rutledge,	no	}
Huntington,	no		Ramsay,	no	
Dyer,	no		Izard,	no	
<i>New York,</i>			Middleton,	no	
Mr. Duane,	ay	}	<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Telfair,	no	}
Mr. Clark,	ay	}	Jones,	no	
Condict,	ay		Few,	no	
Witherspoon,	no				
<i>Pennsylvania,</i>					
Mr. Montgomery,	no	}			
Smith,	no				
Clymer,	ay				

So it passed in the negative.<sup>1</sup>

#### THURSDAY, JULY 18, 1782

Mr. [Joseph] Montgomery and Mr. [Jesse] Root made a report respecting their mission, which was read.

The Committee appointed to make certain representations to the several states eastward of Pennsylvania,

<sup>1</sup> This report, in the writing of James Madison, is in the *Papers of the Continental Congress*, No. 25, II, folio 121. The vote, as recorded by Charles Thomson on the report, and in Secret Journal No. 4, has been followed here.

Beg leave to Report,

That in pursuance of their appointment they went to every State eastward of Pennsylvania and made the representations given them in charge to the legislatures of each respective State, and pressed on them the importance and necessity of speedy and vigorous measures and of their punctually complying with the requisitions of Congress in order to support the public cause, of which the legislatures of the different States seemed generally to be convinced, and gave assurance that the several objects communicated to them by your Committee, should be attended to with that seriousness and despatch their importance demanded, but as your Committee were obliged to hasten from one State to another with despatch in order to meet the different legislatures they had not opportunity of receiving official information of the measures taken by any State in consequence of the representation made.<sup>1</sup>

The report of a committee being postponed, to whom were referred a report of the Secretary at War, on a letter of June 4, from Major General Parsons, and a letter of the 10, from General Washington, with a copy of a letter of 18 June, from Brigadier General Glover,

The committee [Mr. Ezekiel Cornell, Mr. Abraham Clark, and Mr. Joseph Montgomery] to whom was referred the report of the Secretary at War and a letter from Brigadier General Glover report,

That Major General Parsons and Brigadier General Glover in consequence of their requests on account of their infirm state of health be considered as retired from service and that they be entitled to the same allowance as general officers of the same rank ~~and who retire~~ may be entitled to at the end of the war ~~under the resolution of the 28<sup>th</sup> of Nov<sup>r</sup>, 1780.~~<sup>2</sup>

A motion was made by Mr. [James] Duane, seconded by Mr. [Noble Wimberly] Jones,

That agreeably to the request of Major General Parsons, he have leave of absence from the army until called for by the Secretary at War; and that in the mean while he may

<sup>1</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 24, folio 413.

<sup>2</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 149, I, folio 513.

be at liberty to remain within these states, or to go into foreign parts, as he shall judge most conducive to the recovery of his health, and that his pay and emoluments be suspended during his absence from the army.

On questions for amendment, the words "*and that in the mean while he may be at liberty to remain within these states, or to go into foreign parts, as he shall judge most conducive to the recovery of his health,*" were struck out; and between the words "army" and "until," were inserted the words "on account of his ill state of health."

A motion was then made by Mr. [Jesse] Root, seconded by Mr. [Eliphalet] Dyer, to amend farther, so that it read "and that his emoluments and one half of his pay be suspended," &c.

On the question to agree to this amendment, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Gilman,	ay	}	Mr. Smith,	ay	}
<i>Massachusetts,</i>			<i>Delaware,</i>		
Mr. Osgood,	no	}	Mr. Dickinson,	ay	}
Lowell,	no		Wharton,	ay	
Jackson,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Hanson,	no	}
Mr. Cornell,	no	}	<i>Virginia,</i>		
Howell,	no		Mr. Madison,	ay	}
<i>Connecticut,</i>			Lee,	ay	
Mr. Root,	ay	}	<i>South Carolina,</i>		
Huntington,	ay		Mr. Rutledge,	ay	}
Dyer,	ay		Ramsay,	ay	
<i>New York,</i>			Izard,	ay	}
Mr. Duane,	no	}	Middleton,	ay	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Clark,	no	}	Mr. Telfair,	ay	}
Condict,	no		Jones,	ay	
Witherspoon,	ay		Few,	ay	

So the amendment was lost.

On the question,

*Resolved*, That agreeably to the request of Major General Parsons, he have leave of absence from the army on account of his ill state of health, until called into service by the Secretary at War; and that his pay and emoluments be suspended during his absence from the army.

*Resolved*, That on the representation of Brigadier General Glover, he have leave of absence from the army on account of his ill state of health, until called into service by the Secretary at War; and that his pay and emoluments be suspended during his absence from the army.

On motion of Mr. [David] Ramsay, seconded by Mr. [John] Witherspoon,

*Resolved*, That the Postmaster General take the most speedy and effectual methods to apprehend the robbers of the public mail, and that he shall be reimbursed by these United States any sums of money, not exceeding ~~fifty guineas~~ two hundred and thirty-three dollars and one-third, which he shall bona fide expend on this business.<sup>1</sup>

The Committee of the week [Mr. Jesse Root, Mr. Thomas Smith, and John Taylor Gilman] report that the petition of Lewis Joseph de Beaulieu respecting his Exchange and pay &c be referred to the Secretary at War.

That the letter of J. Middleton Cornet of Dragoons respecting the pay of certain expences incurred by him in the public service by order of Genl Green be referred to the Secretary at War.<sup>2</sup>

<sup>1</sup> This resolution, in the writing of David Ramsay, is in the *Papers of the Continental Congress*, No. 36, II, folio 193. It was entered only in the manuscript Secret (Domestic) Journal No. 8, A.

<sup>2</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 32, folio 463. It is undated. The petition, dated Philadelphia, July 16, 1782, of Lewis J. de Beaulieu is in No. 42, I, folio 286, and the letter, dated July 15, from J. Middleton, Cornet in the Partizan Legion, is in No. 78, XVI, folio 307. According to Committee Book No. 186, both were referred to the Secretary at War on this day.



## FRIDAY, JULY 19, 1782

A motion was made by Mr. [Arthur] Middleton, seconded by Mr. [James] Duane,

That Major General Parsons and Brigadier General Glover, on account of their want of health, be considered as retiring, and put upon the half-pay establishment; and that the resolutions passed yesterday respecting Major General Parsons and Brigadier General Glover be repealed.

A division being called, and on the question to agree to the first part as far as establishment, inclusive, the yeas and nays being required by Mr. [Arthur] Middleton,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	}	Mr. Dickinson,	ay	}
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	ay	}	Mr. Hanson,	ay	}
Lowell,	ay	}	<i>Virginia,</i>		
Jackson,	ay	}	Mr. Madison,	ay	}
<i>Rhode Island,</i>			Bland,	no	}
Mr. Cornell,	ay	}	Lee,	no	}
Howell,	no	}	<i>South Carolina,</i>		
<i>Connecticut,</i>			Mr. Rutledge,	ay	}
Mr. Root,	ay	}	Ramsay,	ay	}
Huntington,	ay	}	Izard,	ay	}
Dyer,	no	}	Middleton,	ay	}
<i>New York,</i>			<i>Georgia,</i>		
Mr. Duane,	ay	}	Mr. Telfair,	ay	}
Scott,	no	}	Jones,	ay	}
<i>New Jersey,</i>			Few,	ay	}
Mr. Clark,	ay	}			
Condict,	no	}			
Witherspoon,	ay	}			

So the question was lost.

On the question to agree to the last clause, the yeas and nays being required by Mr. [David] Howell,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	}	Mr. Dickinson,	ay	}
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	ay	}	Mr. Hanson,	ay	}
Lowell,	ay	}	<i>Virginia,</i>		
Jackson,	ay	}	Mr. Madison,	ay	}
<i>Rhode Island,</i>			Bland,	ay	}
Mr. Cornell,	ay	}	Lee,	ay	}
Howell,	no	}	<i>South Carolina,</i>		
<i>Connecticut,</i>			Mr. Rutledge,	ay	}
Mr. Root,	ay	}	Ramsay,	ay	}
Huntington,	ay	}	Izard,	ay	}
Dyer,	ay	}	Middleton,	ay	}
<i>New York,</i>			<i>Georgia,</i>		
Mr. Duane,	ay	}	Mr. Telfair,	ay	}
Scott,	ay	}	Jones,	ay	}
<i>New Jersey,</i>			Few,	ay	}
Mr. Clark,	no	}			
Condict,	no	}			
Witherspoon,	ay	}			

So the question was lost.

Mr. Hugh Williamson, a delegate for North Carolina, attended, and produced a commission, with a seal of the State appendant, and signed by the governor, whereby it appears, that on the 13th day of May, 1782, Benjamin Hawkins, Abner Nash, Hugh Williamson, and William Blount, esqrs. were appointed delegates to represent that State in Congress for and during one year from that time.

STATE OF NORTH CAROLINA.

To Benjamin Hawkins, Abner Nash, Hugh Williamson and William Blount Esquires Greeting

We reposing especial Trust and confidence in your Patriotism abilities and Integrity, do by these presents constitute and appoint you the said Benjamin Hawkins, Abner Nash, Hugh Williamson and William Blount Delegates to represent us in the Honorable the

Congress of the United States of America, for and during One Year after date hereof, being elected for that purpose by Joint Ballot of both Houses of our General Assembly held at Hillsborough on the thirteenth Day of May One thousand seven hundred and eighty two. To have, hold and possess all the powers authorities and priviledges which to your said appointment and Delegation may belong or of right appertain for and during the time aforesaid.

Witness Alexander Martin Esquire our Governor Captain General and Commander in Chief under our great Seal at Hillsborough the thirteenth Day of May Anno Dom One thousand seven hundred and eighty two and in the sixth year of our Independence.

ALEX: MARTIN

[With the Great Seal appendant]

By His Excellency's Command

P. HENDERSON *Pro. Sec.*<sup>1</sup>

The committee, consisting of Mr. [John Morin] Scott, Mr. [Abraham] Clark, and Mr. [Samuel John] Atlee, to whom was referred an ordinance relative to the Post Office, reported the draught of an ordinance for regulating the Post Office of the United States of America, which was read the first time:

The Committee to whom were referred the letter of the Secretary at War of the 12<sup>th</sup> instant concerning the measures necessary to prevent future robberies of the Mail, and a motion of M<sup>r</sup> Condict on the same subject report that they are of opinion that the escorting of the Post Riders by Dragoons, and the posting of others in this city to serve as special expresses will not only be attended with too great an expence but will probably require the greatest part of a Regiment of horse who by being divided into small detachments and put out of the course of discipline and military duty will be greatly injured and disqualified for the proper service for which they were raised. They therefore are of opinion that instead of employing dragoons on that business the Postmaster General and his deputies should be authorized to hire occasional expresses for carrying the public despatches, and such private letters as may from time to time be in the post offices, which not being confined to fixed days, nor obliged to travel the usual post roads would more easily elude the vigilance of the enemy than the stated posts. They have therefore accordingly

<sup>1</sup> The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*. It was entered in No. 179, *Record of Credentials*, and not in the Journal.

inserted a clause for that purpose in the draft of an ordinance for regulating the Post Office of the United States of America which they herewith Report.<sup>1</sup>

*Ordered*, That Tuesday next be assigned for the second reading.

The Committee [Mr Thomas McKean, Mr Ezekiel Cornell, Mr Abraham Clark] to whom was referred the motion of Mr [Thomas] McKean, Report,

That on the 7<sup>th</sup> of June last Congress resolved, that the Secretary at War call in all the British Soldiers prisoners of war to the United States who have been permitted to go out to work for the Inhabitants, and that for the future no such permission be granted to such prisoners.

That by a subsequent resolution of the 11<sup>th</sup> Instant the Secretary at War is directed to take immediate order to have all the British Prisoners of war closely confined.

That since passing the above resolutions no satisfactory reasons have, in the opinion of your Committee, appeared in favor of granting permission to British Prisoners to go out to work, as every plan suggested for securing their return when called for, will be liable to great abuses, large numbers having already been lost to the United States by such indulgencies. Your Committee are therefore of opinion no permission be granted to British Prisoners on any conditions whatever to go out to work with the Inhabitants; but that the foregoing resolutions be strictly executed.<sup>2</sup>

The Committee of the week [Mr. Jesse Root, Mr. Thomas Smith and Mr. John Taylor Gilman] report,

That the letter from Capt. Hibert [Philip Liebert] asking payment for £ livres 3168. 8. 1, advanced by him for the use of his Company in A. D. 1776, be referred to the Superintendant of Finance.<sup>3</sup>

<sup>1</sup> This report, in the writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 61, folio 507. See *ante*, July 12, and *post*, October 18.

<sup>2</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 28, folio 87. The indorsement shows that it was delivered and read on this day, and Committee Book No. 191 states that it was filed August 8.

<sup>3</sup> This report, in the writing of Jesse Root, is in the *Papers of the Continental Congress*, No. 42, III, folio 434, indorsed on Liebert's memorial. The memorial, folio 433, is dated July 19, and a second indorsement shows that it was referred, the same day, to the Secretary at War. See *post*, July 22.

The Committee of the week report,

That the memorial of Dominique l'Eglise a refugee from Canada commissioned in the service of these States, asking compensation for past services be referred to the Secretary at War.

That the memorial of the deranged officers in the Connecticut line asking for their half pay be referred to the Superintendent of Finance.<sup>1</sup>

*Ordered*, That the report of Mr. [John] Witherspoon, Mr. [John] Lowell and Mr. [Arthur] Middleton on Mr. A. Lee's memorial, for the payment of the balance due for his salary as reported by the Board of Treasury, August 6, 1781, wherein they recommend that the Superintendent of Finance draw a bill on Doct. Franklin for the amount of the said balance with interest and that the certificate given to Mr. Lee for the said balance be canceled, be referred to the Superintendent of Finance to take order.<sup>2</sup>

MONDAY, JULY 22, 1782

Mr. William Blount, a delegate for the State of North Carolina, attended and took his seat.

On the report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [James] Duane, and Mr. [Abraham] Clark, to whom was referred a memorial of Mr. Jonathan Trumbull, jun. for a compensation for his trouble in settling the accounts of the purchasing and issuing commissaries, employed by and under the late commissary, Joseph Trumbull:

That by an act of Congress of the 5th day of May, 1779, Jonathan Trumbull, Junr., Esqre, was authorised and empowered to settle and adjust the accounts of the Deputy purchasing and issuing Commissaries employed by or under the late Commissary Trumbull; and the said act provided that he shall be paid his expences and a reasonable Compensation for his Time and Trouble to be adjusted when the Nature and Extent of the Services could be ascertained.

<sup>1</sup> This report, in the writing of Jesse Root and undated, is in the *Papers of the Continental Congress*, No. 32, folio 419. The memorial of l'Eglise (L'eglize), dated Philadelphia, July 15, 1782, is in No. 41, V, folio 285; and that of Pelatiah Webster and William Judd, dated Philadelphia, July 17, in behalf of the deranged officers of the Connecticut line, is in No. 19, VI, folio 491. According to Committee Book No. 186, both memorials were referred to the Secretary at War on this day.

<sup>2</sup> This order was entered only in the journal kept by the Secretary of Congress for the Superintendent of Finance: *Morris Papers, Congressional Proceedings*.

That it appears to your Committee that the said Jonathan Trumbull, Junr., Esqre., accordingly undertook the said Office.

And thereupon, your Committee submit the following Resolution:

~~Resolved, That there be allowed to Jonathan Trumbull, Junr., Esqre., for the services performed by him respecting the settlement of the late Commissary General Trumbull's accounts in pursuance of the Act of Congress of the 5th of May, 1779, the same salary which by the Act of the 20th of February last is allowed to a Commissioner for settling accounts between a particular State and the United States to be computed on the time Mr. Trumbull has actually been employed in the said Business and to be in full for all Services and Expenses.~~

*Resolved*, That there be allowed to Jonathan Trumbull, jun. esq. for his services in the settlement of the accounts of the deputies of the late commissary-general J. Trumbull, in pursuance of the act of the 5 day of May, 1779, the same salary as is provided by the act of the 27 of February last, for the commissioner to be appointed for the settlement of the accounts of the commissary's department: that the said salary be computed on the time Mr. Trumbull has been actually employed, and be in full for all services and expences.<sup>1</sup>

On motion of Mr. [Samuel] Osgood, seconded by Mr. [Ralph] Izard,

*Resolved*, That the resolutions respecting Major General Parsons and Brigadier General Glover, passed the 18 instant be, and they are hereby repealed.

A motion was then made by Mr. [James] Duane, seconded by Mr. [Arthur] Middleton,

That Major General Parsons and Brigadier General Glover, on account of their want of health, be considered as retiring officers, and put upon the half pay establishment.

<sup>1</sup> This report, in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 19, VI, folio 89. Trumbull's memorial, dated Philadelphia, 19<sup>th</sup> July, is in No. 41, X, folio 165.



On the question to agree to this, the yeas and nays being required by Mr. [Silas] Condict,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	*	Mr. McKean,	ay	} ay
<i>Massachusetts,</i>			Wharton,	ay	
Mr. Osgood,	ay	} ay	<i>Maryland,</i>		
Lowell,	ay		Mr. Hanson,	ay	} *
Jackson,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Madison,	ay	} ay
Mr. Cornell,	ay	*	Bland,	ay	
<i>Connecticut,</i>			Lee,	ay	
Mr. Root,	ay	} no	<i>North Carolina,</i>		
Huntington,	no		Mr. Williamson,	ay	} div.
Dyer,	no		Blount,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	ay	} ay	Mr. Rutledge,	ay	} ay
Scott,	ay		Ramsay,	ay	
<i>New Jersey,</i>			Izard,	ay	
Mr. Clark,	no	} no	Middleton,	ay	
Condict,	no		<i>Georgia,</i>		
Witherspoon,	ay		Mr. Telfair,	ay	} ay
<i>Pennsylvania,</i>			Jones,	ay	
Mr. Montgomery,	y	} ay	Few,	ay	
Smith,	ay				
Clymer,	ay				

So it was resolved in the affirmative.

WAR OFFICE July 20<sup>th</sup>, 1782.

SIR,

On the petition of Dominique L'Eglise referred to me, I beg leave to observe that Congress on the 23<sup>rd</sup> of October 1778 in consideration of the sufferings and to enable Dominique L'Eglise to discharge some debts which he had incurred granted him six hundred and thirty-five dollars and resolved that he be allowed sixty dollars per month for pay and subsistence and one ration per day to continue during the pleasure of Congress.

This grant was made when our money was greatly depreciated. If he was only paid the real value of the sixty dollars it might not be equal to a support while sixty dollars specie would be a gratuity much exceeding what was originally promised.

The case of the memorialist is very similar to that of Captain Traversier whose memorial has also been referred to me. They both appear to have been usefully employed in our service and entitled to some compensation, and as they are not now, if they were ever officers in the service it appears to me that the most probable method of doing them and the United States equal justice, will be by appointing a Committee to hear their pretensions, and determine what they shall be allowed for their past, and if any thing how much for their future maintenance.<sup>1</sup>

WAR OFFICE July 20<sup>th</sup>, 1782.

SIR,

By the certificate which accompanies Captain Hibert's [Liebert's] memorial, it appears that General Hazen personally engaged to return in specie the money which he advanced in Canada. The General being thus responsible it is probable he settled this with his general account. Whether he did or not is uncertain. I think the memorial should lay until this matter is ascertained.<sup>2</sup>

WAR OFFICE, July 19, 1782.

SIR,

On the petition of Lieutenant Lewis J. de Beaulieu, late of Pulaski's legion, referred to me, I beg leave to submit the following resolve,

*Resolved*, That in consideration of the wounds which Lieutenant Lewis Joseph de Beaulieu, late of General Count Pulaski's legion, has received in the service of the United States, and his ill health consequent thereon, he be permitted to return to Europe, and be entitled to the pay and emoluments granted to Officers retiring from service under the resolutions of Congress of the 3rd and 21st of October, 1780.<sup>3</sup>

A grand committee was appointed, consisting of Messrs. [John Taylor] Gilman, [Jonathan] Jackson, [David] Howell, [Eliphalet] Dyer, [James] Duane, [John] Witherspoon, [George] Clymer, [Thomas] McKean, [Arthur] Lee, [Hugh] Williamson, [John] Rutledge and

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 519. It was referred to Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, Mr. [Theodorick] Bland, the indorsement states. See August 8 *post*.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 515. It is indorsed: July 22<sup>nd</sup>, 1782 to lie until it can be ascertained whether Brig<sup>r</sup> Hazen has or has not charged in his acct. the sum claimed.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 19, I, folio 261. Committee Book No. 186 shows that it was referred, on July 22, to Mr. [Ezekiel] Cornell, Mr. [George] Clymer and Mr. [John Morin] Scott. See *post* August 5.

[Edward] Telfair, to take into consideration and report the most effectual means of supporting the credit of the United States.

The committee to meet in the committee room on Saturday next at 9 o'clock A. M. <sup>1</sup>

TUESDAY, JULY 23, 1782

On the report of a committee, consisting of Mr. [Joseph] Montgomery, Mr. [Abraham] Clark, and Mr. [David] Ramsay, to whom were re-committed their report respecting the hospital department, and the amendments and observations thereon by the Secretary at War:

*Resolved*, That in conducting the business of the general hospital, there shall be an invariable standard of prices established by which the apothecary shall be charged with every article (received into his department, and at which he shall be credited for every article) <sup>2</sup> he shall issue the standard to be established by the medical board, or such person or persons as they shall appoint, which shall only be considered as a certain ratio whereby to keep the accounts; but that, in the settlement of all accounts in that department, all deficient articles, not issued or returned, shall be accounted for at such real value as shall be estimated by the medical board, and approved of by the Secretary at War.

An account shall be taken as soon as possible, of all the medicines, instruments and property in the apothecary's department belonging to the public, in the hands of the apothecary, the deputies, assistants, and mates, the surgeons of hospitals, and surgeons of regiments, for which they shall severally be charged at the standard value ascertained by the board as aforesaid, and for all they may hereafter receive,

<sup>1</sup> This committee appointment was entered only in the journal kept by the Secretary of Congress for the Superintendant of Finance: *Morris Papers, Congressional Proceedings*. Committee Book No. 186, *Papers of the Continental Congress*, shows that Mr. [John] Hanson was added, to complete the committee, and that, on September 25, Mr. [Joseph] Montgomery was appointed, in place of Mr. Clymer.

<sup>2</sup> The words in parenthesis are in the report but not in the Journal.

but to account for deficiencies at the real value, to be estimated as aforesaid.

The apothecary shall be accountable for all articles in his department to the purveyor throughout the states, until they come into the hands of the prescribers; and all deputies, assistants, and mates, shall make returns, and be accountable to the apothecary for the medicines, instruments and other property belonging to the public in the department, now in their hands, and of such as they may hereafter be possessed of.

The apothecary shall make up his accounts at the expiration of every year, and settle them as soon after as possible, and before the expiration of six months. He shall, at the same time, make out two returns for the director of the hospital, one specifying what has been received and issued, and the amount of what remains on hand; the other exhibiting a particular amount of the value of the medicines, and other public property, each prescriber has received within the year.

All losses which may happen by the events of war, and other circumstances unavoidable, shall be borne by the public. In cases of losses by fraud or neglect in any deputy, assistant or mate, the apothecary shall not be accountable for such losses, provided the delinquent be convicted thereof before a court-martial appointed to try the same.

The hospital prescribers shall be supplied, upon their own application, with medicines and instruments necessary for the sick and wounded under their care.

Every regimental surgeon shall receive yearly from the apothecary, a supply of medicines to such amount, by the above standard, as the medical board shall judge necessary.

Every prescribing surgeon or physician, either in hospital or with the army, shall be supplied by the apothecary with such a set of capital instruments as the medical board shall judge necessary, and shall be accountable for all losses in

medicines and instruments not arising from the events of war and other circumstances unavoidable. Duplicates of all returns made by the apothecary to the director, shall be lodged in the war office.

*Resolved*, That in the army of the United States, excepting the southern army, at present under the command of Major General Greene, the offices of assistant purveyor, and assistant apothecary, and the storekeepers under the purveyor and apothecary, except one storekeeper under the purveyor to keep a store near the army, and all the clerks, except ~~one~~ two to the purveyor, shall hereafter be discontinued.<sup>1</sup>

~~The committee to whom was referred the letter of the Secretary of War respecting the rank of the surgeons in the hospital department submit the following resolutions:~~

That all surgeons of the hospital shall take rank after the director of the hospital, deputy director and physician to the army, in the following order, viz. those surgeons of the hospital, who have been either deputy director, physician general, surgeon general, chief physician, or chief surgeon to the hospital or army, shall take rank next to the above mentioned officers: and their relative rank to each other shall be according to the date of their respective appointments to either of the above offices.

That all such as were regimental surgeons, when appointed senior physician or surgeon to the hospital, shall take rank with such senior physicians and surgeons, agreeably to the date of their first appointment, whether to the regiment or hospital.

All surgeons, the date of whose first appointments, either to regiments or hospitals, shall have been on the same day, shall decide their rank by lot.

<sup>1</sup> The recommitted report had it: \* \* \* "and all the clerks except two to the purveyor one of whom to have the care of the store near the army and all the mates of the apothecary except three be hereafter discontinued."

That the pay and subsistence of the officers of the Hospital department and medical staff be as follows:

Director of the Hospital 122 dollars per month four rations per day for himself and servants, forage for two horses and twenty five dollars per month Subsistence.

Deputy Director and Physician each 117 dollars per month three rations per day for himself and Servants, and forage for two horses, and twenty dollars per month Subsistence.

Hospital Surgeons each 96  $\frac{5}{6}$  dollars per month two rations for himself and servant forage for two horses and fifteen dollars per month Subsistence.

Purveyor and Apothecary each 105 dollars per month, one ration and forage for one horse, and fifteen dollars per month subsistence.

Deputy purveyor and Deputy apothecary each 101  $\frac{5}{6}$  dollars per month, one ration, and forage for one horse, and ten dollars per month Subsistence.

Hospital Mates each 45 dollars per month, one ration per day, and five dollars per month Subsistence.

Stewards each 30 dollars per month, one ration per day and five dollars per month Subsistence.

Ward Masters each 22 dollars per month, one ration per day and three dollars per month Subsistence.

That all former Acts of Congress, so far as respects the pay Subsistence rations and forage granted to the before mentioned Officers, shall be and they are hereby repealed.<sup>1</sup>

[That for the more convenient subsistence of the officers of the hospital department, they be allowed, including their former allowance of rations and forage as follows:

The director of the hospital, four rations a day for himself and servants, forage for two horses, and twenty-five dollars per month subsistence.

<sup>1</sup> The recommitted report allowed 119 dollars per month to the director; 116  $\frac{7}{10}$  dollars to the deputy director and physician; 93  $\frac{4}{5}$  dollars to hospital surgeons, three rations for himself and servant and 15 dollars for subsistence; 106  $\frac{5}{6}$  dollars for purveyor and apothecary.

In the *Papers of the Continental Congress*, No. 22, folio 79, on a separate sheet, in Charles Thomson's hand, is a copy of this part of the report relating to pay and subsistence, with the following variations in amounts: deputy director 111 dollars per month; hospital surgeons 93  $\frac{1}{2}$  dollars per month, three rations for himself and servant; purveyor and apothecary 106  $\frac{1}{2}$  dollars per month; deputy purveyor and deputy apothecary 101  $\frac{1}{2}$  dollars per month.



The deputy director and physician, each three rations a day for himself and servants, forage for two horses, and twenty dollars per month subsistence.

Hospital surgeons, each two rations per day, for himself and servant, forage for two horses, and fifteen dollars per month subsistence.

Deputy purveyor and deputy apothecary, each one ration per day, forage for one horse, and ten dollars per month subsistence.

Hospital mates, each one ration per day, and five dollars per month subsistence.

Stewards, each one ration per day, and five dollars per month subsistence.

Ward masters, each one ration per day, and three dollars per month subsistence.

That the above allowance of rations, forage, and subsistence to the officers of the hospital department, over and above what they severally were entitled to, at the time of passing this act, shall be charged to them respectively, as advances in part of their monthly pay.

That in future the pay and allowance of the purveyor and apothecary be the same each as that of a hospital surgeon.]

That none of the aforesaid officers, or other persons employed in any of the hospitals, be entitled to rations, forage or subsistence, when on furlough.

That the regulation respecting officers' servants, contained in the Act of Congress of the 11th day of March, 1780, shall not be construed to extend to the hospital department.<sup>1</sup>

<sup>1</sup> This report, in the writing of a clerk, except the part in brackets which is in Abraham Clark's writing, is in the *Papers of the Continental Congress*, No. 22, folios 69 and 85. The report was delivered May 15, and on May 30 was referred to the Secretary at War to confer with the Superintendent of finance to report, and recommended. A copy of the recommitted report is in No. 22, folio 73. The few changes made in their report by the Committee are noted. The portion in brackets was not in the recommitted report.

## WEDNESDAY, JULY 24, 1782

In pursuance of the order of the 11, the agent of marine transmitted to Congress a copy of the last instructions given to Captain Harding of the *Confederacy*, by the late Board of Admiralty.

The delegates for Virginia laid before Congress two resolutions passed by the legislature of that State, dated 28 May last; 1. that it will not be expedient to authorise Congress to alter the mode appointed by the Confederation, for apportioning the quotas of the respective states, as is proposed in the act of 20 February, 1782; and 2. for the appointment of persons to examine and state, with all possible exactness, to the next assembly, the losses and injuries sustained by that State in the course of this war, from obstructed commerce and the enemy's cruizers within the bay of Chesapeake.<sup>1</sup>

On a report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Samuel] Osgood, Mr. [Ralph] Izard, Mr. [Theodorick] Bland and Mr. [James] Duane, appointed to consider and report the most just and practicable means of reducing expenditures in the several departments:

*Resolved*, That all resolutions and appointments respecting the department of commissary general of prisoners be, and hereby are repealed:

*Resolved*, That the Commander in Chief be, and hereby is empowered to appoint, from time to time, a commissary of prisoners, who shall be subject to his orders and instructions:

That the commanding officer of the southern army have also power to appoint, from time to time, a commissary of prisoners, who shall be subject to his orders and instructions:

That the power of negotiating the exchange of marine prisoners be henceforth vested in the agent of marine, who

<sup>1</sup> These resolutions are in the *Papers of the Continental Congress*, No. 75, folios 361, 363, 365.

is hereby authorised to appoint a commissary for marine prisoners to be subject to his orders and instructions:

That the Secretary at War be, and he is hereby authorised, from time to time, to appoint so many persons as he may find necessary to assist him in superintending and safe keeping all prisoners of war, reporting such appointments to Congress as soon as they shall be made:

That the Secretary at War direct returns to be made once in every three months (or oftener if applied for) to the Commander in Chief, of all land prisoners, and to the agent of marine, of all marine prisoners who shall be under his charge:

That the pay of the commissaries for the army shall be seventy-five dollars per month each, and they shall each be allowed two rations of provisions per day, and twelve dollars and two-thirds of a dollar per month subsistence, and also six dollars and two-thirds of a dollar per month each for a servant, for whom they shall draw from the public the cloathing and ration allowed to a private soldier, together with forage for two horses each, which pay and allowances shall include what they may be entitled to from the public as officers in the army:

That the commissary to be appointed by the agent of marine, shall receive in full for his services, including any pay or allowances that he may be entitled to as an officer of the United States, the sum of twelve hundred dollars per annum:

That the allowance of pay and rations to the persons to be appointed by the Secretary at War, to assist him in superintending and safe keeping prisoners of war, shall not exceed forty dollars per month, and four rations per day, or subsistence equivalent, including what they may be entitled to as officers of the army.<sup>1</sup>

<sup>1</sup> This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 28, folio 93.

On another report of the above mentioned committee,

*Resolved*, That the act of Congress of the 11 day of February, 1778, and all subsequent resolutions, so far as they respect the department of the commissary general of military stores, be and they are hereby repealed.

*Resolved*, That the Secretary at War be, and he is hereby, empowered to appoint, from time to time, a commissary of military stores, who shall be subject to his orders and instructions, and shall receive a salary of ~~twelve hundred~~ one thousand dollars per annum:

That the Secretary at War be further empowered to appoint, from time to time, so many officers, to be taken from the officers of the army, if agreeable to them, as he may find necessary to superintend the business in that department.<sup>1</sup>

[Motion of Mr Arthur Lee, Mr Jonathan Jackson, July 24, 1782.]

That the Commission of the 15<sup>th</sup> June, 1781, appointing Ministers Plenipotentiary to negotiate a Treaty of Peace with Great Britain together with the instructions given to the said Commissioners be re-considered.<sup>2</sup>

<sup>1</sup> This report, in the writing of a clerk, is in the *Papers of the Continental Congress*, No. 27, folio 173.

<sup>2</sup> This motion, in the writing of Arthur Lee, is in the *Papers of the Continental Congress*, No. 36, I, folio 355.

On this day, according to the indorsement, was read a letter of July 23, from the Superintendent of Finance inclosing one, of July 22, from J. Burrall, in reference to the adjustment of the late Joseph Trumbull's account. The Superintendent's letter is in No. 137, I, folio 651 and the inclosure on folio 653. They were referred to Mr. [George] Clymer, Mr. [Jonathan] Jackson, Mr. [Edward] Telfair.

A letter of July 11 from the Governor of Virginia to the delegates of that State, respecting a garrison for the towns of York and Gloucester, was referred to a committee composed of Messrs. [Ezekiel] Cornell, [Joseph] Montgomery and [Thomas] McKean on this date, as the indorsement states. It is in No. 20, II, folio 277. A letter to the committee, dated August 22, from Robert Morris is on folio 281, and one from the Secretary at War of the same date on folio 283. See *post*, August 27.

THURSDAY, JULY 25, 1782

On motion of Mr. [Arthur] Lee, seconded by Mr. [Abraham] Clark,

*Resolved*, That the postmaster general be, and he is hereby, directed to use his discretion in so varying the time of setting out of the post-riders and their routes, from time to time, as to elude the attempts of the enemy to take the mail.

On motion of Mr. [Arthur] Lee, seconded by Mr. [Samuel] Osgood,

*Ordered*, That the report of the Superintendant of finance, as entered on the Journal the 24 May last, stating the application of the moneys of the United States in France, be referred to a committee to be examined and reported on:<sup>1</sup>

*Ordered*, That the instructions given to Captain Harding, of the *Confederacy*, by the late Board of Admiralty, be referred to the same committee.

*Ordered*, That Tuesday next be assigned for electing a commissioner to liquidate and finally settle the accounts of all the servants of the United States, who have been entrusted with the expenditure of public moneys in Europe, and that Monday next be assigned for settling the salary to be allowed to the said commissioner.<sup>2</sup>

On motion of Mr. [Joseph] Montgomery, seconded by Mr. [Arthur] Lee,

*Resolved*, That the resolution of the 28th of May last, for the appointment of a commissioner to liquidate and finally settle the accounts of all the publick servants of the United States, who have been intrusted with the expenditure of publick money, be reconsidered.

On motion of Mr. [Theodorick] Bland, seconded by Mr. [John] Witherspoon,

<sup>1</sup> In the *Morris Papers*, *Congressional Proceedings*, the committee is named, as follows: Mr. [Arthur] Lee, Mr. [Ralph] Izard, Mr. [Samuel] Wharton.

<sup>2</sup> This order was also entered in the manuscript Secret Journal, Foreign Affairs.

*Ordered*, That the said resolution be committed.<sup>1</sup>

A report of the Secretary at War on a letter of 15 July, from Cornet Middleton, of Lee's legionary corps, being read:

WAR OFFICE, *July 23, 1782.*

SIR,

On the letter from Mr Middleton to your Excellency requesting a reimbursement of the monies he has expended on public account referred to me, I beg leave to observe, that I am not officially informed of the business which Mr Middleton was sent by General Greene to execute. Mr Middleton is a Cornet in Colonel Lee's legion, he is not known to me in any other character, and although I consider him as a Gentleman of the strictest honor and integrity, yet in my official capacity, I conceive it improper to report in favor of an Individual request which is not corroborated by General Greene's instructions which Mr Middleton has not brought on with him.<sup>2</sup>

*Resolved*, That the Superintendant of finance furnish three hundred dollars to the paymaster general, to enable him to pay a warrant to be drawn on him for that sum by the Secretary at War, in favor of Cornet Middleton, of Lieutenant Colonel Lee's legionary corps, to defray his expences on the business in which he is employed by Major General Greene, and for which sum he is to be accountable.

On a report from the Superintendant of Finance as Agent of Marine, to whom was referred a report of the Secretary at War on a memorial of Musco Livingston,

*Resolved*, That the Agent of Marine be and he is hereby directed to grant letters of passport and safe conduct to such vessel as may be employed by Musco Livingston to sail from some port of the United States in ballast to the island of Jamaica, and to bring from thence the family and effects of the said Musco Livingston, provided that nothing in such passport contained shall authorise the importation into these

<sup>1</sup> These two motions were entered only in the manuscript Secret Journal, Foreign Affairs.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 523. It was read this day, the indorsement states.



United States or any of them of any goods wares or merchandizes, excepting money, plate, household furniture and wearing apparel for the use of his family, and that the said Musco Livingston give bond with sufficient sureties, to be lodged in the office of finance, in such a sum as the Superintendent of Finance shall think proper, not to contravene in any respect the true intent and meaning of this resolution.<sup>1</sup>

WAR OFFICE, *July 23, 1782.*

SIR,

On the memorial of Messrs. Webster and Judd in behalf of the deranged Officers of the Connecticut Line, referred to me, I beg leave to observe that by the resolves of Congress of the 3rd and 21st of October, 1780, the number of their regiments was reduced, by which many officers were deranged, to whom Congress promised half pay for life.

The enclosed list describes the Officers of the Connecticut Line who were deranged in pursuance of this resolve.

I would do myself the honor to lay a general list of the deranged Officers before Congress, but returns from the different Lines have not been made to the War Office.<sup>2</sup>

The Committee of the Week [Mr. Hugh Williamson, Mr. Samuel Osgood, Mr. George Clymer] on the subject of a letter from Ephraim Blaine C. G. P., to the President of Congress, in which he complains that many of his assistants and deputies are sued and some of them under execution for public debts and that himself has lately been sued and apprehends many more suits on the same account, he also prays that £600 being a part of more than £9,000 due him, be immediately paid him in cash or bills of exchange till his accounts are finally settled and that one or two additional clerks be allowed him till those accounts are settled, beg leave to report it is their opinion that the said letter should be referred to the Superintendent of Finance ~~to report~~.

On the subject of a petition from Edward Keran, lately clerk to the Commissary General of Military Stores in which he alledges that in an account he formerly delivered he made a mistake to his own

<sup>1</sup> This resolution was also entered in the manuscript Secret (Domestic) Journal.

<sup>2</sup> This report was presented as the indorsement shows and referred on this day to Messrs. [Ezekiel] Cornell, [Joseph] Montgomery and [Thomas] McKean. It is in the *Papers of the Continental Congress*, No. 19, VI, folio 495, and the list of deranged officers of the Connecticut line is on folio 499.

loss and that the sum of £34.. 12.. 6. is now justly due him which he requests may be paid, they beg leave to report it is their opinion that Mr. Keran's petition be ~~returned him and~~ referred to the ~~controller to settle the accounts~~ Superintendant of Finance.<sup>1</sup>

WAR OFFICE, July 25<sup>th</sup>, 1782.

SIR,

Upon Examining the resolves of Congress I find the resolve of February the 18<sup>th</sup> 1779 allowing Baron Steuben the Inspector General eighty four dollars per month was repealed by a resolve of the 25<sup>th</sup> September 1780, and the resolve of that date provided that the travelling and other incidental expences of the Inspectors Department should be settled by the Auditors of the Army, which resolve was repealed by a subsequent resolve of January the 10<sup>th</sup> 1782 and no provision made for the travelling and other incidental expenses incurred by the Baron in the execution of the duties of his office, which is of great importance to the Discipline and regular returns of the Army. In travelling to the different parts of the Army his expences are unavoidably great and unless they are provided for it will be impossible for him to discharge his duty.<sup>2</sup>

Whereas it appears, that by a resolve of the tenth day of January A D. 1782, by which a plan for conducting the Inspector's Department is formed Major Gen<sup>l</sup>. Baron Steuben is continued in the office of Inspector Gen<sup>l</sup>. of the Armies of the United States but no provision is thereby made for his travelling or other necessary expences probably from an Idea that the allowance for that purpose to the Inspector General of eighty four dollars per month made by the resolve of eighteenth day of February A D. 1779 was to continue.

*Resolved*, That Major General Baron Steuben be entitled to receive the said sum of eighty four dollars per month from the said tenth day of January until the further order of Congress.<sup>3</sup>

<sup>1</sup> This report, in the writing of Hugh Williamson, is in the *Papers of the Continental Congress*, No. 32, folio 387. It was accepted on this day, the Committee Book No. 186 indicates.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 149, I, folio 529. It was referred on this day, the indorsement states, to Mr. [John] Rutledge, Mr. [Ezekiel] Cornell, Mr. [John] Lowell.

<sup>3</sup> This motion, in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 149, I, folio 527. It is undated.

FRIDAY, JULY 26, 1782

A motion was made by Mr. [James] Duane, seconded by Mr. [Jesse] Root,

That Baron Steuben receive, until the further order of Congress, in addition to his pay as major general, eighty dollars per month for his travelling expences in the execution of his office of inspector general, to be computed from the 10th day of January last.<sup>1</sup>

On the question to agree to this, the yeas and nays being required by Mr. [Silas] Condict,

<i>New Hampshire,</i>			<i>Delaware,</i>			
Mr. Gilman,	ay	}	Mr. McKean,	ay	}	
<i>Massachusetts,</i>			Wharton,	ay		
Mr. Osgood,	ay	}	<i>Maryland,</i>			
Lowell,	no		Mr. Hanson,	ay	}	
Jackson,	ay		<i>Virginia,</i>			
<i>Rhode Island,</i>			Mr. Madison,	ay	}	
Mr. Cornell,	ay	}	Bland,	no		
Howell,	no		Lee,	ay		
<i>Connecticut,</i>			<i>North Carolina,</i>			
Mr. Root,	ay	}	Mr. Williamson,	ay	}	
Huntington,	ay		Blount,	ay		
Dyer,	ay		<i>South Carolina,</i>			
<i>New York,</i>			Mr. Ramsay,	ay	}	
Mr. Duane,	ay	}	Izard,	ay		
Scott,	ay		Middleton,	ay		
<i>New Jersey,</i>			<i>Georgia,</i>			
Mr. Clark,	no	}	Mr. Telfair,	ay	}	
Condict,	no		Jones,	ay		
Witherspoon,	no		Few,	no		
<i>Pennsylvania,</i>						
Mr. Montgomery,	ay	}				
Smith,	ay					
Clymer,	ay					
Wynkoop,	ay					

So it was resolved in the affirmative.

<sup>1</sup> This motion in the writing of James Duane, is in the *Papers of the Continental Congress*, No. 149, I, folio 526.

## MONDAY, JULY 29, 1782

The order of the day being called for to fix the salary of the commissioner to be appointed pursuant to the resolution of the 28 of May:

On motion of Mr. [Joseph] Montgomery, seconded by Mr. [Arthur] Lee,

*Resolved*, That the resolution of 28 of May last, for the appointment of a commissioner to liquidate and finally settle the accounts of all the public servants of the United States, who have been entrusted with the expenditure of public money, be re-considered.

On motion of Mr. [Theodorick] Bland, seconded by Mr. [John] Witherspoon,

*Ordered*, That the said resolution be committed.<sup>1</sup>

That Congress always have been ready and willing to agree to a general Cartel for the exchange of Prisoners of war upon just and reasonable terms—

That in last Commissioners were appointed by the Commander in Chief to meet, and they accordingly met Commissioners on the part of the Enemy for negotiating and settling such a Cartel, and the establishing it was prevented by the unreasonable propositions and objections made at that meeting by the British Commissioners. That Congress have still the same disposition, and therefore as soon as the Commander in Chief shall receive a proper notification that Commissioners have been duly appointed on the part of Great Britain for settling a General Cartel between the United States and that Nation for the exchange of all prisoners of war taken on either side, liquidating the accounts for the past and making proper arrangements and provision for the future subsistence of prisoners, Commissioners for the purposes aforesaid shall be appointed under the authority of Congress to meet the British Commissioners.

<sup>1</sup> Committee Book, No. 186, *Papers of the Continental Congress*, shows that the resolution was committed to Mr. [John Morin] Scott, Mr. [Arthur] Lee and Mr. [John] Rutledge, "to define accurately the powers with which the said commissioner is to be entrusted, and prepare instructions for the execution of those powers, to confer with the Superintendent of Finance." On August 29, Mr. [James] Madison was appointed on the committee, in place of Mr. Scott, and a report was delivered September 3. Committee Book No. 191 notes that the report was passed November 18.

That altho' the exchange of soldiers for seamen is neither the practice of nations nor a reasonable demand, (especially as the seamen for whom such exchange is proposed were not when taken in the service of the United States) yet in order to remove the misrepresentations by which the enemy endeavour to deceive the brave but unfortunate seamen, who are prisoners in their hands, to encourage those seamen to persist in rejecting every offer to induce them to take part against their Country, and to give them the most convincing proof of the earnest desire of Congress to procure their liberty,

*Resolved*, That whenever a Cartel as aforesaid shall be settled, Congress will consent to exchange such a number of soldiers, prisoners of war as may be equal to the number of seamen now prisoners with the enemy (a reciprocal exchange of seamen having been first made) on condition that the soldiers so exchanged shall not serve against the United States or their present or future Allies for 12 months, nor during the War, if it should continue for a longer time, and on the further condition, that the balance, which on liquidating the accounts for the subsistence of prisoners of war shall be found due from Great Britain to the United States be previously paid.

*Resolved*, That in the opinion of Congress there is a considerable balance due on such account to the United States, but if on liquidating it, a balance shall be found due from the United States to Great Britain the same shall be paid previous to the exchange of the prisoners to be exchanged under such Cartel.

*Resolved*, That the Commander in Chief be directed to transmit these Resolves to Sir Guy Carleton and that they be published.<sup>1</sup>

<sup>1</sup> This report, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 28, folio 83. The committee consisted of Mr. [John] Witherspoon, Mr. [James] Madison and Mr. [John] Rutledge, and was appointed July 15. The indorsement shows that the report was referred on this day to Mr. [John] Lowell, Mr. [Ezekiel] Cornell and Mr. [James] Madison.

On this day, according to the indorsement, was read a letter from the Secretary at War. It is in No. 149, I, folio 533.

Also, a letter of July 19 from Major General Heath, enclosing report of commissioners for ascertaining, pursuant to the resolution of Congress of September 7, 1781, the quantity of forage expended by the allied army in Westchester Co., N. Y., during the year 1781. The letter and inclosures are in No. 157, folios 447-468.

~~TUESDAY, JULY 30, 1782~~

~~A motion was made by Mr. [Jesse] Root, seconded by Mr. [Silas] Condict, in the following words:~~

~~Whereas Congress, by a resolution of the 21 October, 1780, did, in consideration of the merit and sufferings of the officers of the army, grant to those who should continue in service to the end of the war or be deranged in pursuance of~~

The committee, consisting of Messrs. [Ezekiel] Cornell, [Joseph] Montgomery, and [Thomas] McKean on the memorial of Messrs. Webster and Judd Report,

That it is not expedient at this time to grant the prayer of the memorialists.<sup>1</sup>

## WEDNESDAY. JULY 31, 1782

A committee, consisting of Mr. [John Taylor] Gilman, Mr. [Jonathan] Jackson, Mr. [David] Howell, Mr. [Eliphalet] Dyer, Mr. [James] Duane, Mr. [John] Witherspoon, Mr. [George] Clymer, Mr. [Thomas] McKean, Mr. [John] Hanson, Mr. [Arthur] Lee, Mr. [Hugh] Williamson, Mr. [John] Rutledge, and Mr. [Edward] Telfair, being a member from each State, appointed to take into consideration and report the most effectual means of supporting the credit of the United States, reported,

“That it is their opinion, and therefore they recommend, that Congress decide upon the cessions from Connecticut, New York, and Virginia.”

The report being read, a motion was made by Mr. [John] Witherspoon, seconded by Mr. [James] Duane,

That Wednesday next be assigned to take the report made by the grand committee into consideration.

<sup>1</sup> This report, in the writing of Ezekiel Cornell, is in the *Papers of the Continental Congress*, No. 19, VI, folio 503. The indorsement shows that it was delivered on this day, and, on January 8, 1783, was referred to the Grand Committee.



And on the question to agree to this, the yeas and nays being required by Mr. [John] Witherspoon,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	}	Mr. Wharton,	ay	}
<i>Massachusetts,</i>			<i>Maryland,</i>		
Mr. Osgood,	no	}	Mr. Hanson,	ay	}
Lowell,	no		<i>Virginia,</i>		
Jackson,	no		Mr. Madison,	ay	
<i>Rhode Island,</i>			Bland,	ay	}
Mr. Cornell,	no	}	Lee,	ay	
Howell,	ay		<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Williamson,	ay	}
Mr. Root,	ay	}	Blount,	no	
Huntington,	ay		<i>South Carolina,</i>		
Dyer,	ay		Mr. Rutledge,	ay	}
<i>New York,</i>			Ramsay,	ay	
Mr. Duane,	ay	}	Izard,	ay	
Scott,	ay		Middleton,	no	
<i>New Jersey,</i>			Gervais,	ay	
Mr. Clark,	ay	}	<i>Georgia,</i>		
Condict,	ay		Mr. Telfair,	no	}
Witherspoon,	ay		Jones,	no	
<i>Pennsylvania,</i>			Few,	no	
Mr. Montgomery,	ay	}			
Smith,	ay				
Clymer,	ay				

So the question was lost.

1782, July 31.

A motion of Mr. [Jesse] Root seconded by Mr. [Silas] Condict:

Whereas Congress by their resolution of     day of Oct. 1780 did in consideration of the merit and sufferings of the officers of the army grant to those who should continue in service to the end of the war or be deranged in pursuance of a resolve of the     day     of half pay for life;

And whereas application is made by some of those officers for an adjustment of their half pay and Congress having no funds provided for discharging the same;

*Resolved*, That it be recommended to the several States to carry into effect the resolution of Congress of the     day of Oct. 1780

granting half pay for life in regard to the officers in the lines of their respective States; and every State which shall settle with the officers belonging to their respective lines in regard to their half pay aforesaid and cause the U. States to be exonerated therefrom, *shall be discharged from contributing any thing towards the half pay of officers in the line of any other State.*

Moved by Mr. Bland, seconded by Mr. Clymer, to strike out "Shall be discharged" &c. to the end and insert, "Shall be credited in their annual quota to the amount of the half pay of the officers so settled with."<sup>1</sup>

#### THURSDAY, AUGUST 1, 1782

Pursuant to the resolution of the 27 of February last, the Superintendant of finance reports, that he has appointed William Denning, esq. a commissioner for settling the accounts of the quartermaster's department.<sup>2</sup>

On the report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Ralph] Izard, Mr. [Samuel] Osgood, Mr. [Theodorick] Bland, and Mr. [James] Duane, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States in the several departments, and to whom was referred a plan for regulating the department of the adjutant general:

*Resolved*, That the adjutant general be appointed by Congress from the general officers, colonels, lieutenant colonel commandants, or lieutenant colonels in the army; his pay shall be one hundred and twenty-five dollars per month; he shall receive four rations per day, and twenty-five dollars and one-third of a dollar per month subsistence.

<sup>1</sup> This motion, in the writing of Jesse Root, except the date and the line following it, and the last paragraph, which were written by Charles Thomson, is in the *Papers of the Continental Congress*, No. 19, VI, 501. The indorsement states that consideration was "postponed till the first Wednesday in January next," and on January 8, 1783, it was referred to a Grand Committee.

<sup>2</sup> The Superintendent's letter is in the *Papers of the Continental Congress*, No. 137, I, folio 721.

~~He shall have liberty to take from the army four soldiers for servants, for each of whom he may draw one ration per day. The said soldiers shall receive their clothing and pay with the regiments to which they respectively belong.~~

The adjutant general shall also be allowed forage for four riding horses, and be furnished with two four-horse and one two-horse covered waggons for the transportation of his official papers, his own, his assistants' and clerk's baggage. He shall have two assistants and one clerk, to be appointed by himself, and approved of by the Commander in Chief. The assistants shall be majors or captains in the army; the pay of each shall be fifty dollars per month, one ration and a half per day, eight dollars per month subsistence, and forage for two riding horses. The assistants shall be allowed each six dollars and two-thirds of a dollar per month for servants' wages, and the cloathing and rations allowed to a private soldier. The clerk shall be a subaltern or volunteer in the army; his pay shall be forty dollars per month, he shall draw one ration per day, and receive six dollars and one-third of a dollar per month subsistence:

That there be as many deputies adjutant general of the rank of field officers as there may be sepearate armies in the United States, that consist of one or more divisions, to be appointed occasionally by the commanding officer of such army, whose names shall be returned to the Commander in Chief for his approbation:

[That the deputy adjutants-general shall each receive seventy-five dollars per month pay, two rations per day, and twelve dollars and two-thirds per month subsistence, forage for three riding horses, one four-horse and one two-horse covered waggons, for the transportation of their official papers, their own and assistants' baggage.

~~They shall also each have liberty to take two soldiers from the army as servants, for each of whom they may draw one ration per day, which soldiers shall receive their clothing and pay with their respective regiments.~~

The deputy adjutants general shall each appoint one assistant, of the rank of major or captain, who shall be approved of by the commanding officer under whom they serve. The assistants appointed and approved as aforesaid, shall each receive the same pay and allowances as are given above to an assistant of the adjutant general:

That there be one major of brigade to each brigade in the armies of the United States, whether of cavalry, artillery or infantry, who shall be appointed by the Commander in Chief or commanding officer of a separate army as occasion may require, upon the recommendation of the adjutant general, or deputy adjutant general as the case may be, and they shall each receive the same pay and allowances, as is given to the assistants of the adjutant general by the foregoing resolutions:

That the provisions hereby made for the respective officers aforesaid, shall be in full compensation for their services, and of all pay and allowances to which they may be entitled from their rank in the army:

These regulations shall take effect on the first day of January next, and from thenceforth that all acts, resolutions, pay and appointments heretofore made in any wise respecting the department of adjutant general and brigade majors, shall cease and are hereby repealed.]<sup>1</sup>

#### FRIDAY, AUGUST 2, 1782

*Ordered*, That Mr. [John] Lowell have leave of absence.

[Motion of Mr John Rutledge. Passed Aug<sup>t</sup> 2, 1782.]

That a Committee be appointed to revise and consider the instructions from Congress to Mr Jay and to report, if any, and what alterations or additions should be made to them.<sup>2</sup>

<sup>1</sup> This report, in the writing of Samuel Osgood, is in the *Papers of the Continental Congress*, No. 21, folio 279; a copy is on folio 283. The portion in brackets was entered in the Journal by Benjamin Bankson, a clerk in the secretary's office.

<sup>2</sup> This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, I, folio 353.

[Motion of Mr John Lowell, Aug<sup>t</sup> 2, 1782.]

That the letter of Mr Jay of the 28<sup>th</sup> of April and the instructions to the Commissioners for negotiating a peace be committed to the Committee last appointed.<sup>1</sup>

MONDAY, AUGUST 5, 1782

On the report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [George] Clymer and Mr. [John Morin] Scott, to whom was referred a report of the Secretary at War on a petition of Lewis J. de Beaulieu, a lieutenant of the late General Count Pulaski, and now a prisoner of war on parole:

The Committee to whom were referred the petition of Lewis J. de Beaulieu a Lieutenant in the Legion of the late General Count Pulaski and the report of the Secretary at War thereon beg leave to report,

That the Petitioner is now a prisoner of war on his parol to the enemy. That he was very dangerously wounded in action in the service of these United States. That by reason of his wounds his health is so much impaired as probably to disable him for any future service. That being a prisoner he cannot be permitted to retire. Nor is a particular exchange in his behalf practicable in the opinion of the Committee. That he is however at liberty by his parol to return to his native country, subject to be recalled unless exchanged. That as to the settlement of his accounts he needs not the particular order of Congress in his behalf. That tho' he is a foreigner the Committee are of opinion that while he is a prisoner on his parol he cannot with any propriety claim any other reward for his services and sufferings while a prisoner than his pay and emoluments, yet that it will be proper to allow him some special gratuity after he shall be exchanged and have retired from the service. They therefore recommend the following Resolution, to wit.

*Resolved*, That Lieutenant Lewis J. de Beaulieu, of the legion of the late Brigadier General Count Pulaski, be at liberty to go to France as a prisoner of war to the enemy on his parole, and to retire from the service of the United States

<sup>1</sup> This motion, in the writing of John Lowell, is in the *Papers of the Continental Congress*, No. 36, I, folio 357. The indorsement says: The letter committed; the remainder went off by adjournment.

as soon as he shall be exchanged: that until his exchange he continue to be entitled to the pay and emoluments belonging to his rank; and from the time of his retiring from the service of these United States, he be entitled to an annual allowance of one hundred dollars, as a recompence for his wounds and loss of health in the service of these United States.<sup>1</sup>

[Motion of Delegates of Pennsylvania Aug<sup>t</sup> 5, 1782. Passed in negative.]

That a Committee be appointed to confer with the Minister of France on the expediency of striking a blow at Bermuda if not inconsistent with the destination of the French fleet.<sup>2</sup>

[Motion of Mr Theodorick Bland, Seconded by Mr Jonathan Jackson, Aug<sup>t</sup> 5, 1782.]

That the instructions to the Minister Plenipotentiary for negotiating a peace of the       day of       be reconsidered and Committed to a ~~Committee to be revised and any alterations therein be reported to Congress.~~<sup>3</sup>

OFFICE OF FINANCE, July 29<sup>th</sup>, 1782.

SIR,

The reference which Congress were pleased to make, of a Remonstrance and Petition from Blair McClenaghan and others, has induced me to pray their Indulgence, while I go somewhat at large into the subject of that Remonstrance. The propriety and utility of public Loans have been subjects of much controversy. Those who find themselves saddled with the Debts of a preceding Generation, naturally exclaim against Loans, and it must be confessed, that when such Debts are accumulated by Negligence, Folly or Profusion, the complaint is well founded. But it would be equally so against Taxes when wasted in the same way. The difference is, that the weight of Taxes being more sensible, the waste occasions greater Clamour, and is therefore more speedily remedied; but it will appear that the eventual evils which Posterity must sustain from heavy Taxes are greater than from Loans. Hence may be deduced this conclusion, that in Governments liable to a vicious administration it would be

<sup>1</sup> This report, in the writing of John Morin Scott, is in the *Papers of the Continental Congress*, No. 19, I, folio 259.

<sup>2</sup> This report, in the writing of Thomas Smith, is in the *Papers of the Continental Congress*, No. 36, I, folio 359.

<sup>3</sup> This motion in the writing of Theodorick Bland, is in the *Papers of the Continental Congress*, No. 36, I, folio 361.



better to raise the current expence by Taxes; but when an honest and wise appropriation of money prevails it is highly advantageous to take the benefit of Loans. Taxation to a certain point is not only proper but useful, because by stimulating the industry of Individuals it increases the Wealth of the Community. But when Taxes go so far as to intrench on the subsistence of the People, they become burthensome and oppressive. The expenditure of money ought in such case to be (if possible) avoided, and if unavoidable it will be most wise to have recourse to Loans.

Loans may be of two kinds either domestic or foreign. The relative advantages and disadvantages of each as well as those which are common to both will deserve attention. Reasonings of this kind (as they depend on rules of arithmetic) are best understood by numerical positions. For the purposes of elucidation therefore it may be supposed that the annual Tax of any particular Husbandman were fifteen Pounds during a ten years' war, and that his net Revenue were but fifteen Pounds, so that (the whole being regularly consumed in payment of Taxes) he would be no richer at the end of the war, than he was at the beginning. It is at the same time notorious that the profits made by Husbandmen on funds which they borrowed were very considerable. In many instances their plantations, as well as the cattle and farming utensils have been purchased on credit, and the bonds given for both have shortly been paid by sales of produce. It is therefore no exaggeration to state the profits at twelve per cent. The enormous usury which people in trade have been induced to pay, and which will presently be noticed demonstrates that the profits made by other professions are equal to those of the Husbandmen. The instance therefore taken from that, which is the most numerous class of Citizens, will form no improper standard for the whole. Let it then be farther supposed in the case already stated that the party should annually borrow the sum of ten Pounds to pay part of his Tax of fifteen Pounds at 6 pr. cent, on this Sum then he would make a profit of twenty four shillings, and have to pay an interest of twelve shillings. The enclosed calculation will shew that in ten years he would be indebted one hundred Pounds, but his additional improvements would be worth near one hundred and fifty, and his net Revenue be increased near twelve after deducting the interest of his debt; whereas if he had not borrowed, his revenue would have continued the same as has already been observed. This mode of reasoning might be pursued farther; but what has been said is sufficient to show that he would have made a considerable advantage

from the yearly loan. If it be supposed that every person in the community made such loan a similar advantage would arise to the community. And lastly if it be supposed that the Government were to make a loan and ask so much less in Taxes the same advantage would be derived. Hence also may be deduced this position, that in a society where the average profits of stock are double to the Interest at which money can be obtained, every public loan for necessary expenditures provides a fund in the aggregate of national wealth equal to the discharge of its own interest. Were it possible that a society should exist in which every member would of his own accord, industriously pursue the increase of national property without waste or extravagance the public wealth would be impaired by every species of taxation. But there never was, and unless human nature should change, there never will be such a society. In any given number of men there will always be some who are idle, and some who are extravagant. In every society also there must be some taxes, because the necessity of supporting Government and defending the State always exist. To do these on the cheapest terms is wise, and when it is considered how much men are disposed to indolence and profusion, it will appear that (even if these demands did not require the whole of what could be raised) still it would be wise to carry taxation to a certain amount, and expend what should remain after providing for the support of Government and the national defence in works of public utility, such as the opening of roads and navigation. For Taxes operate two ways towards the increase of national wealth. First they stimulate industry to provide the means of payment. Secondly, they encourage economy so far as to avoid the purchase of unnecessary things, and keep money in readiness for the Tax-gatherer. Experience shews that those exertions of industry and economy grow by degrees into Habit. But in order that taxation may have these good effects, the sum which every man is to pay, and the period of payment, should be certain and unavoidable.

This digression opens the way to a comparison between foreign and domestic Loans. If the loan be domestic, money must be diverted from those channels in which it would otherwise have flowed, and therefore either the public must give better terms than Individuals, or there must be money enough to supply the wants of both. In the latter case, if the Public did not borrow, the quantity of money would exceed the demand, and the interest would be lowered; borrowing by the Public therefore would keep up the rate of interest, which brings the latter case within the reason of the former. If the Public outbid

Individuals, those Individuals are deprived of the means of extending their industry. So that no case of a domestic loan can well be supposed where some public loss will not arise to counterbalance the public gain, except when the creditor spares from his consumption to lend to the Government, which operates a national economy. It is however an advantage peculiar to domestic loans, that they give stability to Government by combining together the interests of moneyed men for its support, and consequently in this Country a domestic debt, would greatly contribute to that Union, which seems not to have been sufficiently attended to, or provided for, in forming the national compact. Domestic loans are also useful from the farther consideration, that as taxes fall heavy on the lower orders of a community, the relief obtained for them by such loans more than counterbalances the loss sustained by those, who would have borrowed money to extend their commerce or tillage. Neither is it a refinement to observe, that since a plenty of money and consequent ease of obtaining it, induce men to engage in speculations which are often unprofitable, the check which these receive is not injurious, while the relief obtained for the poor is highly beneficial.

By making foreign Loans the Community (as such) receive the same extensive benefits, which one Individual does in borrowing of another. This Country was always in the practice of making such Loans. The Merchants in Europe trusted those of America. The American Merchants trusted the Country Storekeepers, and they the People at large. This advance of credit may be stated at not less than twenty million of dollars; and the want of that credit is one principal reason of those usurious contracts mentioned above. These have been checked by the institution of the Bank; but the funds of that Corporation not permitting those extensive advances which the views of different people require, the price given for particular accommodations of money continues to be enormous, and that again shews, that to make domestic Loans would be difficult if not impracticable. The merchants not having now that extensive credit in Europe, which they formerly had, the obtaining such credit by the Government becomes in some sort necessary. But there remains an objection with many against foreign loans which (though it arises from a superficial view of the subject) has no little influence. This is that the Interest will form a balance of trade against us, and drain the country of specie, which is only saying in other words, that it would be more convenient to receive money as a present than as a Loan, for the advantages derived by the Loan exist, notwithstanding

the payment of Interest. To shew this more clearly, a case may be stated which in this City is very familiar. An Island in the Delaware overflowed at Highwater has for a given sum—suppose a thousand Pounds—been banked in, drained and made to produce, by the hay sold from it at Philadelphia, a considerable sum annually, for instance two hundred Pounds. If the owner of such an Island had borrowed (in Philadelphia) the thousand Pounds to improve it, and given six pr. cent Interest he would have gained a nett revenue of one hundred and forty Pounds. This certainly would not be a balance of trade against his Island, nor the draining it of specie. He would gain considerably, and the city of Philadelphia also would gain by bringing to market an increased quantity of a necessary article. In like manner, money lent by the City of Amsterdam to clear the forests of America would be beneficial to both. Draining marshes and bringing forests under culture are beneficial to the whole human race; but most so to the Proprietor. But at any rate, in a Country and in a situation like ours to lighten the weight of present burthens (by Loans) must be good policy. For as the Governments acquire more stability, and the people more wealth, the former will be able to raise and the latter to pay much greater sums than can at present be expected.

What has been said on the general nature and benefit of Public Loans as well as their particular utility to this Country, contains more of detail than is necessary for the United States in Congress, tho' perhaps not enough for many of those to whose consideration this subject must be submitted. It may seem superfluous to add that credit is necessary to the obtaining of loans. But among the many extraordinary conceptions which have been produced during the present Revolution, it is neither the least prevalent nor the least pernicious that Foreigners will trust us with millions, while our own citizens will not trust us with a shilling. Such an opinion must be unfounded and will appear to be false at the first glance. Yet men are (on some occasions) so willing to deceive themselves, that the most flattering expectations will be formed from the acknowledgment of American Independence by the State General. But surely no reasonable hope can be raised on that circumstance, unless something more be done by ourselves. The loans made to us hitherto have either been by the Court of France, or on their credit. The Government of the United Netherlands are so far from being able to lend, that they must borrow for themselves. The most therefore

which can be asked from them, is to become security for America to their own subjects; but it cannot be expected, that they will do this, until they are assured and convinced that we will punctually pay. This follows necessarily from the nature of their Government, and must be clearly seen by the several States, as well as by Congress, if they only consider what conduct they would pursue on a similar occasion. Certainly Congress would not put themselves in a situation which might oblige them to call on the several States for money to pay the debts of a foreign power. Since then no aid is to be looked for from the Dutch Government without giving them sufficient evidence of a disposition and ability to pay both the principal and interest of what we borrow, and since the same evidence which would convince the Government must convince the Individuals who compose it, asking the aid of Government must either be unnecessary or ineffectual. Ineffectual before the measures taken to establish our credit, and unnecessary afterwards.

We are therefore brought back to the necessity of establishing public credit, and this must be done at home before it can be extended abroad. The only question which can remain is with respect to the means, and here it must be remembered that a free Government whose natural offspring is public credit, cannot have sustained a loss of that credit unless from particular causes, and therefore those causes must be investigated and removed before the effects will cease. When the Continental money was issued, a greater confidence was shown by America, than any other people ever exhibited. The general promise of a body not formed into, nor claiming to be a Government, was accepted as current coin and it was not until long after an excess of quantity had forced on depreciation that the validity of these promises was questioned. Even then the public credit still existed in a degree, nor was it finally lost until March, 1780, when an idea was entertained that Government had committed injustice. It is useless to enter into the reasons for and against the resolutions of that Period. They were adopted, and are now to be considered only in relation to their effects. These will not be altered by saying that the Resolutions were misunderstood, for in those things which depend on public opinion, it is no matter (as far as consequences are concerned) how that opinion is influenced. Under present circumstances, therefore, it may be considered as an uncontrovertible proposition that all paper money ought to be absorbed by taxation (or otherwise) and destroyed before we can expect our public credit



to be fully reestablished. For so long as there be any in existence the holder will view it as a monument of national perfidy.

But this alone would be taking only a small step in the important business of establishing national credit. There are a great number of Individuals in the United States who trusted the public in the hour of distress, and who are impoverished, and even ruined by the confidence they reposed. There are others whose property has been wrested from them by force to support the war, and to whom certificates have been given in lieu of it which are entirely useless. It needed not inspiration to show that justice establisheth a nation; neither are the principles of religion necessary to evince that political injustice will receive political chastisement. Religious men will cherish these maxims in proportion to the additional force they derive from divine Revelation. But our own experience will shew, that from a defect of justice this nation is not established, and that her want of honesty is severely punished by the want of credit. To this want of credit must be attributed the weight of taxation for support of the war, and the continuance of that weight by continuance of the war. It is, therefore, with the greatest propriety your Petitioners already mentioned have stated in their memorial, that both policy and justice require a solid provision for funding the public debts. It is with pleasure, Sir, that I see this numerous, meritorious and oppressed body of men, who are creditors of the Public, beginning to exert themselves for the obtaining of justice. I hope they may succeed, not only because I wish well to a righteous pursuit, but because this success will be the great groundwork of a credit which will carry us safely through the present just, important and necessary war, which will combine us closely together on the conclusion of a peace, which will always give to the Supreme Representative of America a means of acting for the General Defence on sudden emergencies and which will of consequence procure the third of those great objects for which we contend—*Peace, Liberty, and Safety*.

Such, Sir, are the cogent principles by which we are called on to provide solid funds for the national debt. Already Congress have adopted a plan for liquidating all past accounts, and if the States shall make the necessary grants of Revenue, what remains will be a simple executive operation which will presently be explained. But however powerful the reasons in favor of such grants over and above those principles of moral justice which none however exalted can part from with impunity, still there are men who (influenced by penurious selfishness) will grumble at the Expence, and who will



assert the impossibility of sustaining it. On this occasion the sensations with respect to borrowing are reversed. All would be content to relieve themselves by Loan from the weight of Taxes; but many are unwilling to take up as they ought the weight of Debt. Yet this must be done before the other can happen, and it is not so great but that we should find immediate relief by assuming it, *even if it were a foreign Debt*. I say if it were a *foreign Debt*, because I shall attempt to shew first that being a *domestic Debt*, to fund it will cost the community nothing, and secondly that it will produce (on the contrary) a considerable advantage; and as to the first point, one observation will suffice. The expenditure has been made, and a *part* of the community have sustained it. If the Debt were to be paid, by a single effort of taxation, it could only create a transfer of property from one Individual to another and the aggregate wealth of the whole community would be precisely the same. But since nothing more is attempted than merely to fund the debt by providing for the interest (at 6 per cent) the question of ability is resolved to this single point, whether it is easier for a *part of the people* to pay one hundred dollars, than for the *whole people* to pay six dollars. It is equally clear, tho' not equally evident that a considerable advantage would be produced by funding our debts, over and above what has been already mentioned as the consequence of national credit. This advantage is threefold. First many persons by being Creditors of the Public, are deprived of those funds which are necessary to the full exercise of their skill and industry, consequently the community are deprived of the benefits which would result from that exercise, whereas if these debts, which are in a manner dead, were brought back to existence, monied men would purchase them up (tho' perhaps at a considerable discount) and thereby restore to the public many useful members, who are now entirely lost, and extend the operations of many more to considerable advantage. For altho' not one additional shilling would be by this means brought in, yet by distributing property into those hands which could render it most productive, the Revenue would be increased while the original stock continued the same. Secondly, many foreigners who make speculations to this Country would, instead of ordering back remittances, direct much of the proceeds of their cargoes to be invested in our public funds; which according to principles already established would produce a clear advantage with this addition (from peculiar circumstances) that it would supply the want of credit to the mercantile Part of Society. The last but not least advantage is that in restoring ease, harmony

and confidence, not only the Government (being more respectable) would be more respected and consequently better obeyed; but the mutual dealings among men on private credit would be facilitated. The horrors which agitate people's minds from an apprehension of depreciating paper would be done away. The secret hoards would be unlocked. In the same moment the necessity of money would be lessened and the quantity increased. By these means the collection of taxes would be facilitated, and thus instead of being obliged to give valuable produce for useless minerals, that produce would purchase the things we stand in need of, and we should obtain a sufficient circulating medium by giving the people what they have always a right to demand, solid assurance in the integrity of their rulers.

The next consideration which offers is the amount of the public Debt, and every good American must lament that confusion in public affairs, which renders an accurate state of it unattainable. But it must continue to be so, until all accounts both at home and abroad be finally adjusted. The enclosed is an estimate furnished by the Comptroller of the Treasury, from which it appears that there is already an acknowledged Debt, bearing interest to the amount of more than twelve millions of dollars. On part of this also there is a large arrearage of interest, and there is a very considerable Debt unsettled, the evidence whereof exists in various certificates given for property applied to the public service. This (including pay due to the army previous to the present year) cannot be estimated at less than between seven and eight millions. Our Debt to his Most Christian Majesty is above five millions. The nearest guess therefore, which can be made at the sum total, is from twenty five to twenty seven millions of dollars, and if to this we add what it may be necessary to borrow for the year 1783, the amount will be (with interest) by the time proper revenues are obtained considerably above thirty millions. Of course the Interest will be between eighteen hundred thousand and two million dollars. And here, previous to the consideration of proper revenues for that amount, it may not be amiss to make a few general observations, the first of which is, that it would be injurious to the United States to obtain money on loan, without providing beforehand the necessary funds. For if those who are now so deeply engaged to support the war, will not grant such funds to procure immediate relief, certainly those who came after them will not do it, to pay a former Debt. Remote objects dependent on abstract reasoning never influence the mind like immediate sensibility. It is therefore the province of wisdom to direct towards

proper objects that sensibility which is the only motive to action among the mass of mankind. Should we be able to get money from the Dutch, without first providing funds, which is more than doubtful, and should the several States neglect afterwards making provision to perform the engagements of Congress, which is more than probable, the credit of the United States abroad would be ruined forever. Very serious discussions also might be raised among Foreign Powers. Our creditors might have recourse to arms, and we might dishonorably be compelled to do, what dishonestly we had left undone. Secondly the idea which many entertain of soliciting Loans abroad to pay the Interest of domestic Debts, is a measure pregnant with its own destruction. If the States were to grant revenues sufficient only to pay the Interest of present Debts, we might perhaps obtain new credit upon a general opinion of our justice, tho' that is far from certain. But when we omit paying by Taxes the interest of Debts already contracted, and ask to borrow for the purpose, making the same promises to obtain the new loans, which had been already made to obtain the old, we shall surely be disappointed. Thirdly, it will be necessary not only that revenues be granted, but that those revenues be amply sufficient for the purpose because (as will presently appear) a deficiency would be highly pernicious while an excess would be not only unprejudicial but very advantageous. To perceive this with all necessary clearness, it must be remembered that the revenues asked for on this occasion must be appropriated to the purposes for which they are asked, and in like manner the sums required for current expenditure must be appropriated to the current service. If then the former be deficient the latter cannot be brought in to supply the deficiencies, and of course the public credit would be impaired; but should there be an excess of Revenue, it could be applied in payment of a part of the Debt immediately and in such case if the credits should have depreciated, they would be raised to par and if already at par, the offer of payment would induce Creditors to lower the interest. Thus in either case, the means of making new loans on good terms would be extended, and the necessity of asking more Revenues obviated. Lastly these Revenues ought to be of such a nature naturally and necessarily to increase, for creditors will have a greater confidence when they have a clear prospect of being repaid, and the people will always be desirous to see a like prospect of relief from the Taxes. Besides which it will be necessary to incur some considerable expence after the war in making necessary establish-

ments for a permanent naval force, and it will always be least objectionable to borrow for that purpose on funds already established.

The requisition of a five per cent impost made on the 3<sup>rd</sup> day of February 1781, has not yet been complied with by the State of Rhode Island; but as there is reason to believe that their compliance is not far off, this Revenue may be considered as being already granted. It will however be very inadequate to the purposes intended. If goods be imported and prizes introduced to the amount of twelve millions annually, the five per cent would be six hundred thousand, from which at least one sixth must be deducted as well for the cost of collection, as for the various defalcations, which will necessarily happen, and which it is unnecessary to enumerate. It is not safe therefore to estimate this Revenue at more than half a million of dollars, for tho' it may produce more, yet probably it will not produce so much. It was in consequence of this, that on the 27<sup>th</sup> day of February last I took the liberty to submit the propriety of asking the States for a Land Tax of one dollar for every hundred acres of land, a Poll Tax of one dollar on all freemen, and all male slaves between 16 and 60 (excepting such as are in the federal army, and such as are by wounds or otherwise rendered unfit for service) and an excise of one eighth of dollar per gallon, on all distilled spirituous liquors. Each of these may be estimated at half a million, and should the product be equal to the estimation, the sum total of Revenues for funding the public Debts would be equal to two millions. What has been the fate of these propositions I know not; but I will beg leave on this occasion, not only to renew them but also to state some reasons in their favor and answer some objections against them.

And first, as to a Land Tax. The advantages of it are, that it can be reduced to a certainty as to the amount and time. That no extraordinary means are necessary to ascertain it. And that land being the Ultimate object of human avarice, and that particular species of permanent property which so peculiarly belongs to a Country as neither to be removed nor concealed, it stands foremost for the object of taxation and ought most particularly to be burthened with those Debts which have been incurred by defending the freedom of its Inhabitants. But besides these general reasons, there are some which are in a manner peculiar to this Country; the land of America may, as to the proprietors be divided into two kinds, that which belongs to the great Landholder and that which is owned and occupied by the industrious cultivator. This latter class of citizens is generally speaking the most numerous and most valuable part of a

community. The artisan may under any government minister to the luxuries of the Rich, and the Rich may under any government obtain the luxuries they covet; but the free husbandman is the natural Guardian of his Country's freedom. A Land Tax will probably at the first mention, startle this order of men, but it can only be from the want of reflection, or the delusion must be kept up by the artifice of others. To him who cultivates from one to five hundred acres, a dollar per hundred is a trifling object; but to him who owns an hundred thousand it is important. Yet a large proportion of America is the property of great landholders, they monopolize it without cultivation, they are (for the most part) at no expence either of money or personal service to defend it, and keeping the price higher by monopoly than otherwise it would be they impede the settlement and culture of the Country. A Land Tax, therefore, would have the salutary operation of an agrarian law without the iniquity. It would relieve the indigent and aggrandize the State by bringing property into the hands of those who would use it for the Benefit of Society. The objections against such a Tax are twofold first that it is unequal, and secondly, that it is too high. To obviate the inequality some have proposed an estimate of the value of different kinds of lands; but this would be improper, because first it would be attended with great delay expence and inconvenience. Secondly it would be uncertain and therefore improper, particularly when considered as a fund for public Debts. Thirdly there is no reason to believe that any estimate would be just, and even if it were it must be annually varied, or else come within the force of the objection as strongly as ever; the former would cost more than the Tax, and the latter would not afford the remedy asked for. Lastly such valuations would operate as a tax upon industry, and promote that land monopoly which every wise Government will study to repress. But further the true remedy for any inequality will be obtained in the apportioning other taxes of which there will always be enough to equalize this. Besides the Tax being permanent and fixed it is considered in the price of land on every transfer of property, and that produces a degree of equality which no valuation could possibly arrive at. In a word, if exact numerical proportion be sought after in taxes there would be no end to the search. Not only might a Poll Tax be objected to as too heavy on the poor and too light on the rich, but when that objection was obviated, the physical differences in the human frame would alone be as endless a source of contention, as the different qualities of land. The second objection that the Tax is



too high, is equally futile with the former. Land which is so little worth that the owner will not pay annually one penny per acre for the defence of it, ought to belong to the society by whom the expence of defending it is defrayed. But the truth is that this objection arises from and is enforced by those men, who can very well bear the expence, but who wish to shift it from themselves to others. I shall close this subject by adding, that as such a Tax would besides the benefits to be derived from the objects of it, have the farther advantage of encouraging settlements and population, this would redound not only to the national good, but even to the particular good of the landholders themselves.

With respect to the Poll Tax, there are many objections against it; but in some of the States a more considerable Poll Tax already exists without inconvenience. The objections are principally drawn from Europe, by men who do not consider that a difference of circumstances makes a material difference in the nature of political operations. In some parts of Europe where nine-tenths of the people are exhausted by continual labor to procure bad cloathing and worse food, this Tax would be extremely oppressive; but in America where three days of labor produce sustenance for a week, it is not unreasonable to ask two days out of a year as a contribution to the payment of public Debts. Such a Tax will on the Rich be next to nothing, on the middling ranks it will be of little consequence, and it cannot affect the poor, because such of them as are unable to labor will fall within the exception proposed. In fact, the situation of America differs so widely from that of Europe as to the matter now under consideration, that hardly any maxim which applies to one will be alike applicable to the other. Labor is in such demand among us, that the Tax will fall on the consumer. An able bodied man who demands one hundred dollars bounty to go into military service for three years, cannot be oppressed by the annual payment of one dollar, while not in that service. This Tax also will have the good effect of placing before the eyes of Congress the number of men in the several States, an information always important to Government.

The excise proposed is liable to no other objection than what may be made against the mode of collection; but it is conceived that this may be such as can produce no ill consequences. Excise laws exist, and have long existed in the several States. Of all Taxes those on the consumption of articles are most agreeable, because being mingled with the price, they are less sensible to the people. And without entering into a discussion, with which speculative men have



amused themselves on the advantages and disadvantages of this species of taxation, it may be boldly affirmed that no inconvenience can arise from laying a heavy Tax on the use of ardent Spirits. These have always been equally prejudicial to the constitutions and morals of the people. The Tax will be a means of compelling vice to support the cause of virtue, and like the Poll Tax will draw from the idle and dissolute that contribution to the public service which they will not otherwise make.

Having said thus much on the propriety of these Taxes, I shall pray leave to assure you of my ready acquiescence in the choice of any others which may be more agreeable to the United States in Congress, praying them nevertheless to consider, that as the situation of the respective States is widely different, it will be wise to adopt a variety of Taxes because by that means the consent of all will be more readily obtained, than if such are chosen as will fall heavy only on particular States. The next object is the collection, which for the most obvious reasons ought to be by authority derived from the United States. The collecting of a Land Tax as has been observed above will be very simple. That of the Poll Tax may be equally so, because certificates of the payment may annually be issued to the Collectors, and they be bound to return the certificates or the money, and empowered to compel a payment by every man not possessed of a certificate. If in addition to this, those who travel from one State to another be obliged to take out and pay for a new certificate in each State, that would operate an useful regulation of police, and a slight distinction between those and the common certificates, would still preserve their utility in numbering the people. It is not necessary to dwell on the mode of collecting these branches of Revenue, because (in reason) a determination on the propriety of the Taxes should precede it. I will only take the liberty to drop one idea with respect to the impost already required. It is conceived that laws should be so formed as to leave little or nothing to the discretion of those by whom they are executed. That Revenue laws in particular should be guarded in this respect from odium being (as they are) sufficiently odious in themselves, and therefore, that it would have been well to have stipulated the precise sum payable on different species of commodities. The objection is, that the list (to be accurate) must be numerous; but this accuracy is unnecessary. The description ought to be very short and general so as to comprise many commodities under one head, and the duty ought to be fixed according to their average value. The objection against this regulation is, that the Tax on fine com-

modities would be trivial, and on coarse commodities great. This indeed is true; but it is desirable for two reasons. First that coarse and bulky commodities *could* not be smuggled to evade the *heavy* duty, and that fine commodities *would* not be smuggled to evade the *light* duty. Secondly that coarse commodities (generally speaking) minister to the demands of necessity or convenience, and fine commodities to those of Luxury. The heavy duty on the former would operate an encouragement to produce them at home, and by that means a stoppage of our commerce in time of war would be most felt by the wealthy, who have always the most abundant means of procuring relief.

I shall now, Sir, take the liberty to suppose, that the Revenues I have mentioned or some others to the amount of at least two millions nett annual produce were asked for and obtained, as a pledge to the public creditors, to continue until the principal and interest of the Debts contracted, or to be contracted should be finally paid. This supposition is made that I may have an opportunity (thus early) to express my sentiments on the mode of appropriation. It would be as follows—Any one of the Revenues being estimated, a loan should be opened on the credit of it by subscription to a certain amount and public debts of a particular description (or specie) be received in payment of the Subscriptions. This funded Debt should be transferable under particular forms calculated for the prevention of fraudulent and facilitating of honest negotiations. In like manner on each of these Revenues should subscriptions be opened proceeding by degrees so as to prevent any sudden revolutions in money matters, such revolutions being always more or less injurious. I should farther propose, that the surplus of each of these Revenues (and care should be taken that there would be a surplus) should be carried to a sinking fund on the credit of which, and of the general promises of Government new loans should be opened when necessary, the Interest should be paid half yearly, which would be convenient to the Creditors and to the Government, as well as useful to the people at large; because by this means, if four different loans were opened at different times, the Interest would be payable eight times in the year, and thus the money would be paid out of the treasury as fast as it came in, which would require fewer officers to manage the business, keep them in more constant and regular employment, dispense the Interest so as to command the confidence and facilitate the views of the creditors and returned speedily the wealth obtained by Taxes into the common stock. I know it will be objected, that such a mode of administration

would enable speculators to perform their operations. A general answer to this would be, that any other mode would be more favorable to them. But farther I conceive first that it is much beneath the dignity of Government to intermeddle in such considerations. Secondly that speculators always do least mischief where they are left most at liberty. Thirdly, that it is not in human prudence to counteract their operations by laws, whereas when left alone they invariably counteract each other; and fourthly that even if it were possible to prevent speculation, it is precisely the thing which ought not to be prevented, because he who wants money to commence pursue or extend his business is more benefited by selling stock of any kind (even at considerable discount) than he could be by the rise of it at a future period. Every man being able to judge better of his own business and situation than the Government can for him. So much would not perhaps have been said on the head of this objection, if it did not naturally lead to a position, which has been ruinous, and might prove fatal. There are many men (and some of them honest men) whose zeal against speculation leads them to be sometimes unmindful not only of sound policy, but even of moral justice. It is not uncommon to hear, that those who have bought the public Debts for small sums, ought only to be paid their purchase money. The reasons given are, that they have taken advantage of the distressed creditors, and shewn a diffidence in the public faith. As to the first, it must be remembered that in giving the creditor money for his Debt, they have at least afforded him some relief, which he could not obtain elsewhere and if they are deprived of the expected benefit, they never will afford such relief again. As to the second, those who buy up the public Debts shew at least as much confidence in the public faith, as those who sell them; but allowing (for argument's sake) that they have exhibited the diffidence complained of, it would certainly be wiser to remove than to justify it. The one mode tends to create establish and secure Public Credit, and the other to sap overturn and destroy it. Policy is therefore on this (as I believe it to be on every other occasion) upon the same side of the question with honesty. Honesty tells us, that the duty of the public to pay is like the same duty in an Individual. Having benefited by the advances, they are bound to replace them to the party or to his Representatives. The Debt is a species of property, and whether disposed of for the whole nominal value, or the half, for something or for nothing is totally immaterial. The right of receiving, and the duty of paying must always continue the same. In a word, that

Government which can (through the intervention of its Courts) compel the payment of private Debts and performance of private contracts on principles of distributive justice but refuse to be guided by those principles as to their own contracts and Debts, merely because they are not amenable to human laws, shews a flagitious contempt of moral obligations, which must necessarily weaken, as it ought to do, their authority over the people.

Before I conclude this long letter it would be unpardonable not to mention a fund which has long since been suggested and dwells still in the minds of many. You doubtless, Sir, anticipate my naming of what are called the Back Lands. The question as to the property of those lands, I confess myself utterly incompetent to decide, and shall not for that reason presume to enter on it. But it is my duty to mention, that the offer of a pledge, the right to which is contested, would have ill consequences and could have no good ones. It could not strengthen our credit, because no one would rely on such a pledge, and the recurrence to it would give unfavorable impressions of our political sagacity; but admitting that the right of Congress is clear, we must remember also, that it is disputed by some considerable members of the Confederacy. Dissensions might arise from hasty decisions on this subject, and a Government torn by intestine commotions is not likely to acquire or maintain credit at home or abroad. I am not however the less clear in my opinion that it would be alike useful to the whole nation and to those very constituent parts of it, that the entire disposition of these lands should be in Congress. Without entering therefore into the litigated points, I am induced to believe, and for that reason to suggest, the proposing this matter to the States as an amicable arrangement. I hope to be pardoned when I add that considering the situation of South Carolina and Georgia, it might be proper to ask their consent to matters of the clearest right. But that supposing the right to be doubtful, urging a decision in the present moment might have a harsh and ungenerous appearance. But if we suppose this matter to be arranged either in the one mode or in the other so that the right of Congress be rendered indisputable (for that is a previous point of indispensable necessity) the remaining question will be as to the appropriation of that fund. And I confess it does not appear to me, that the benefits resulting from it are such as many are led to believe. When the imagination is heated in pursuit of an object, it is generally overrated. If these lands were now in the hands of Congress, and they were willing to mortgage them to their present creditors, unless they were accom-

panied with a due provision for the Interest it would bring no relief. If these lands were to be sold for the public Debts, they would go off for almost nothing. Those who want money could not afford to buy land. Their certificates would be bought up for a trifle. Very few moneyed men would become possessed of them, because very little money would be invested in so remote a speculation. The small number of purchasers would easily and readily combine. Of consequence they would acquire the lands for almost nothing, and effectually defeat the intentions of government, leaving it still under the necessity of making farther provision, after having needlessly squandered an immense property. This reasoning is not new. It has been advanced on similar occasions before, and the experience which all America has had of the sales of confiscated estates, and the like will now shew that it was well founded. The Back Lands then will not answer our purpose without the necessary Revenues. But those Revenues will alone produce the desired effect. The Back Lands may afterwards be formed into a fund for opening new loans in Europe on a low Interest redeemable within a future period (for instance, twenty years) with a right reserved to the creditors of taking portions of those lands on the nonpayment of their Debts, at the expiration of that term. Two modes would offer for Liquidation of those Debts. First to tender payment during the term, to those who would not consent to alter the nature of the Debt, which (if our credit be well established) would place it on the general footing of national faith, and secondly to sell portions of the land (during the term) sufficient to discharge the mortgage. I persuade myself that the consent of the reluctant States might be obtained, and that this fund might hereafter be converted to useful purposes. But I hope that, in a moment when the joint effort of all is indispensable, no causes of altercation may be mingled unnecessarily in a question of such infinite magnitude as the restoration of public credit. Let me add, Sir, that unless the money of foreigners be brought in for the purpose, sales of public land would only absorb that surplus wealth, which might have been extracted by taxes, so that in fact no new resource is produced, and that while (as at present) the demand for money is so great as to raise Interest to five per cent per month, public lands must sell extremely low were the title ever so clear. What then can be expected, when the validity of that title is one object of the war?<sup>1</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 137, I, folios 677-705, and the calculation enclosed is on folio 707a. The indorsement shows that it was referred, on this day, to the Grand Committee. Committee book No. 186 shows that



The Committee [Mr. Samuel Osgood, Mr. Abraham Clark, Mr. Arthur Lee] to whom was referred the letter of the Superintendent of Finance on the establishment of a fund for discharging debts due from the United States to individuals for supplies furnished the Army, beg leave to report:

That the Committee are of opinion, the mode pointed out in the letter referred, for raising a revenue for the purposes therein mentioned, is in general too exceptionable to meet with the approbation of Congress; as it would operate very unequally, as well with respect to the different States, as to the inhabitants of each State.

That a revenue for the purpose of discharging the claims of individuals in the several States for supplies furnished the Army when liquidated; may become necessary: But inasmuch, as Congress by their resolution of the 2<sup>nd</sup> of Nov<sup>r</sup> last agreed to accept certificates of such debts from the several States on account of deficiencies on former requisitions, whereby it may happen that if not the whole of those debts may be discharged, it will be proper to defer going into measures for providing such revenue until a final settlement shall ascertain the sums that remain to be discharged.<sup>1</sup>

The Committee [Mr. John Rutledge, Mr. Arthur Lee, Mr. Abraham Clark] to whom was referred the report of the Superintendent of Finance submit the following report:

Whereas, it appears, that the money appropriated as a fund in Europe for payment of bills of exchange for the interest of loan office certificates issued before the 1<sup>st</sup> of March 1778 will be exhausted by discharging the interest due thereon antecedent to the 10<sup>th</sup> day of March last, and no other fund having yet been established, either for paying such interest, or the interest due on certificates of a later date, owing to the backwardness of the States in complying with the requisition of Congress to lay an import duty of five per cent on imported goods; and it being equally just to provide, as well for the latter, as former loans, Whereupon,

*Resolved*, That no more bills for interest due on any loan office certificate since the 10<sup>th</sup> day of March last, be drawn until the further order of Congress.

this was the Grand Committee appointed July 22, "to take into consideration and report the most effectual means of supporting the credit of the United States" (see *ante*, July 31) and that, on September 25, Mr. [Joseph] Montgomery was appointed on the committee, in place of Mr. [George] Clymer.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 19, IV, folio 351. It is in the writing of Abraham Clark and was referred on this day, as the indorsement states, to the Grand Committee.



*Resolved*, That when all the States shall have vested in Congress a power of levying a duty of five per cent on imported goods, and on prizes and prize goods agreeable to a requisition for that purpose, the said duty shall be appropriated to the payment of interest on the funded debt of the United States: provided, nevertheless, that the above mentioned appropriation shall not preclude Congress from drawing bills as heretofore for payment of interest whenever a fund in Europe can be established for paying the same.<sup>1</sup>

Motion of Mr. [David] Ramsay, seconded by                    to strike out the preamble in the report and insert:

Whereas the fund on which bills of Exchange for the payment of the interest of monies borrowed previous to the 1 March, 1778, is exhausted, and there is no means in the power of the United States to replace that fund; and whereas provision is made for the payment of the principal and interest of monies borrowed by a duty of five per cent on all imports and prizes.<sup>2</sup>

That the Superintendant of Finance be directed to report to Congress a list of the several sums retained by Dr. Franklin from time to time for the payment of the Bills on Loan Office Certificates, together with the amount of the Bills drawn upon the monies so retained.

That he also lay before Congress a List of the Original Proprietors of such Loan Office Certificates as bear foreign interest, and of the present Holders of them, according to the bills drawn in 1781; and also a list of all the monies borrowed on those Certificates, distinguishing the Sums borrowed since Depreciation commenced, so as to shew the real as well as the nominal value of such Sums, and the current price for which the Certificates have sold from their being first granted to this time.<sup>3</sup>

The Committee of the Week [Mr. William Blount, Mr. John Taylor Gilman, Mr. Jonathan Jackson] Report that they have taken into consideration the memorial of Bellamy Crawford, setting forth the services he has rendered the United States in the hospitals in the Southern Department, the great distress he has thereby brought on

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, IV, folio 361. The indorsement shows that it was delivered July 18; taken, debated and postponed, July 22; and on August 5 referred to the Grand Committee.

<sup>2</sup> This motion, undated, in the writing of Charles Thomson is in the *Papers of the Continental Congress*, No. 137, I, folio 644.

<sup>3</sup> This motion, in the writing of Arthur Lee and undated, is in the *Papers of the Continental Congress*. No. 137, I, folio 643.

himself and family, and praying that his account may be immediately liquidated and paid and that they recommend the same be referred to the Superintendent of Finance.

That they have taken into consideration the petition of Jacob Schriber, Captain of Engineers, praying to be exchanged and for other relief and that they recommend it to be referred to the Secretary at War.

And that they recommend that the petition of Francis Wade late Deputy Quarter Master General, be referred to a special Committee.<sup>1</sup>

## TUESDAY, AUGUST 6, 1782.<sup>2</sup>

The committee, consisting of Mr. [John] Rutledge, Mr. [James] Duane, Mr. [James] Madison, Mr. [Samuel] Osgood, and Mr. [Joseph] Montgomery, appointed to revise and consider the instructions from Congress to Mr. Jay, and to report if any and what alterations or additions should be made to them, reported as follows:

That the minister plenipotentiary at the Court of Spain be instructed, in case any propositions be made to him by the said Court for a treaty with the United States, to decline acceding to them until he shall have transmitted them to Congress for their approbation; unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation on the part of the United States con-

<sup>1</sup> This report, in the writing of William Blount, is in the *Papers of the Continental Congress*, No. 32, folio 379. The indorsement shows that it was passed this day.

On this day, according to the indorsement, was read a letter of July — from Captain John Barry. It is in No. 78, IV, folio 307.

Also, a letter of July 30 from the Superintendent of Finance, inclosing estimates for the service for 1783 and recommending an increase in the navy. It is in No. 137, I, folios 713–717. It was referred to the Grand Committee.

Also, a letter of August 2, from him on the subject of the lottery. It was referred to Mr. [Thomas] McKean, Mr. [David] Ramsay, Mr. [Benjamin] Huntington, Mr. [Jonathan] Jackson and Mr. [Edward] Telfair. It is in No. 137, I, folio 725.

<sup>2</sup> The proceedings for this day were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

tained in the sepearte and secret article of their treaty with his Most Christian Majesty; in which case he is to conclude such treaty on the first requisition of his Catholick Majesty.

*Resolved*, That Mr. Jay be at liberty to leave Spain, and go into any other part of Europe, whenever the state of his health may require it.

A motion was made by Mr. [John] Rutledge, seconded by Mr. [James] McKean, to strike out the words, "*in which case,*" &c. to the end of the first resolution; and on the question, shall those words stand, the yeas and nays being required by Mr. [Edward] Telfair—

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	no	}	Mr. McKean,	no	}
<i>Massachusetts,</i>			Wharton,	no	
Mr. Osgood,	no	}	<i>Maryland,</i>		
Jackson,	no		Mr. Hanson,	no	}
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Cornell,	no	}	Mr. Madison,	no	}
Howell,	no		Bland,	no	
<i>Connecticut.</i>			Lee,	no	
Mr. Root,	no	}	<i>North Carolina,</i>		
Huntington,	no		Mr. Williamson,	no	}
Dyer,	no		Blount,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	no	}	Mr. Rutledge,	no	}
Scott,	no		Ramsay,	no	
<i>New Jersey,</i>			Izard,	no	
Mr. Clark,	no	}	Middleton,	no	
Condict,	no		<i>Georgia,</i>		
Witherspoon,	no		Mr. Telfair,	no	}
<i>Pennsylvania,</i>			Jones,	no	
Mr. Montgomery,	ay	}	Few,	no	
Smith,	no				
Clymer,	ay				

So it was resolved in the negative.

On the question to agree to the first resolution as amended,

*Resolved*, N. C. D. in the affirmative.

On the question to agree to the second resolution,

*Resolved*, N. C. D. in the affirmative.

WEDNESDAY, AUGUST 7, 1782

The committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Ralph] Izard, Mr. [Samuel] Osgood, Mr. [Theodorick] Bland and Mr. [James] Duane, appointed to consider and report the most just and practicable means of reducing the expenditures of the United States in the several departments, and to whom was referred a motion of Mr. [Theodorick] Bland, having reported the following resolutions:

*Resolved*, That the Secretary at War, on or before the first day of January next, cause the non-commissioned officers and privates belonging to the lines of the respective States, including soldiers prisoners with the enemy, to be arranged in such manner as to form complete regiments agreeably to the acts of Congress of 3 and 21 of October, 1780, or regiments of not less than five hundred rank and file, as circumstances and the good of the service may in his judgment require. [That for this purpose] the junior regiments [shall be draughted] to fill the senior regiments, and [the surplus,] should any remain after such draughts, shall be formed into a complete company or companies, as near as may be, according to the said establishment, with a proper allowance of field officers to two or more companies; the said regiments and companies [shall be commanded] by officers belonging to the respective States, to which the non-commissioned officers and privates so arranged shall belong.

*Resolved*, That the Commander in Chief, and commanding officer of the southern army, direct the officers of the line of each State respectively to meet together, and agree and

determine upon the officers, who shall remain in service to command the troops arranged as aforesaid; provided that where it cannot be done by voluntary agreement, the junior officers of each grade shall retire, so as to leave compleat corps of officers agreeably to the said resolutions of October 3rd and 21st, 1780, to command the men to be arranged as aforesaid in the field, including such as have been mustered regularly and prisoners with the Enemy excepting deserters and such as may have died, [in proportion to the number of men, and to be adjusted upon the principles of the acts of the 3 and 21 of October, 1780, and the 5th resolution of the act passed the 23 day of April, 1782.]

*Resolved*, That the Commander in Chief, and commanding officer of the southern army, as soon as the said arrangement shall have taken place, transmit to Congress a list of officers whom they respectively may deem proper to be employed in the several staff departments and other necessary duties in the army, to be taken from the list of retiring officers. And upon being approved of by Congress, and accepting such appointments, such officers shall retain their rank in the army with the pay and emoluments thereto annexed.

*Resolved*, That the officers retiring under the foregoing resolutions, and not employed in the staff departments as aforesaid, shall, until called into service with their proper command, be entitled to all the emoluments to which the officers are [entitled], who retired under the resolutions of the 3d and 21 of October, 1780; that the said officers shall retain their rank in the army, and be called into the service, from time to time, according to seniority, in case of deficiencies of officers, upon the principles of the foregoing resolutions.

*Resolved*, That in arranging the non-commissioned officers and privates of the army, each State shall be credited for all the men, except deserters and such as may have died, who shall have been duly mustered to serve during the war, or for

three years, or in consequence of the last requisitions of Congress whose times shall not expire on or before the first day of January next.

~~[Resolved, That the foregoing resolutions take effect on the first day of January, 1783, and that the respective States be and they hereby are earnestly called upon to take seasonable and effectual measures for completing their quotas of troops accordingly, and that copies thereof be immediately transmitted by the Secretary at War to the executive or legislative authorities of the respective States, in compliance with the requisitions of Congress] of the 3d day of October, 1780, or the 10th of December, 1781.~~

[Resolved, That the preceding arrangement shall take effect on the 1st day of January, 1783, and that copies thereof be immediately transmitted by the Secretary at War, to the executive authorities of the respective States.]<sup>1</sup>

This report being taken up pursuant to a previous order assigning this day for the consideration thereof, a motion was made by Mr. [Abraham] Clark, seconded by Mr. [Jesse] Root, to strike out the resolution, "that the officers retiring," &c.

<sup>1</sup> This report, in the writing of Samuel Osgood, except the parts in brackets, which are in James Duane's writing, is in the *Papers of the Continental Congress*, No. 21, folio 287. The same report, substantially, in the writing of Theodorick Bland, is on folio 291. It was submitted to General Washington, who returned it with comments approving. These comments are on folio 295. The following closing paragraph was included in the copy submitted to him:

6<sup>th</sup>. *Resolved*, That in future no commissions shall issue at the war office for promotions or filling of vacancies on the appointment of States until the Secretary at War shall have reported to Congress the necessity of such commission issuing, in order to complete the complement of officers, according to the establishment, and Congress shall have approved the same.



And on the question, shall that resolution stand? the yeas and nays being required by Mr. [Abraham] Clark,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Gilman,	ay	}	Mr. McKean,	ay	}
<i>Massachusetts,</i>			Wharton,	ay	
Mr. Osgood,	ay	}	<i>Maryland,</i>		
Jackson,	ay		Mr. Hanson,	ay	}
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Cornell,	ay	}	Mr. Madison,	ay	}
Howell,	no		Bland,	ay	
<i>Connecticut,</i>			Lee,	ay	
Mr. Root,	no	}	<i>North Carolina,</i>		
Huntington,	no		Mr. Williamson,	ay	}
Dyer,	no		Blount,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duane,	ay	}	Mr. Rutledge,	ay	}
Scott,	ay		Ramsay,	ay	
<i>New Jersey,</i>			Izard,	ay	
Mr. Clark,	no	}	Middleton,	ay	
Condict,	no		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Telfair,	ay	}
Mr. Montgomery,	ay	}	Jones,	ay	
Smith,	ay		Few,	ay	
Clymer,	ay				

So it was resolved in the affirmative.

On the question to agree to the report, the yeas and nays being required by Mr. [Ezekiel] Cornell,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Gilman,	ay	}	Mr. Duane,	ay	}
<i>Massachusetts,</i>			Scott,	ay	
Mr. Osgood,	ay	}	<i>New Jersey,</i>		
Jackson,	ay		Mr. Clark,	ay	}
<i>Rhode Island,</i>			Condict,	ay	
Mr. Cornell,	ay	}	<i>Pennsylvania,</i>		
Howell,	no		Mr. Montgomery,	ay	}
<i>Connecticut,</i>			Smith,	ay	
Mr. Root,	no	}	Clymer,	ay	
Huntington,	no				
Dyer,	no				

<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. McKean,	ay	} ay	Mr. Rutledge,	ay	} ay
Wharton,	ay		Ramsay,	ay	
<i>Maryland,</i>			Izard,	ay	
Mr. Hanson,	ay	} *	Middleton,	ay	
<i>Virginia,</i>			<i>Georgia,</i>		
Mr. Madison,	ay	} ay	Mr. Telfair,	ay	} ay
Bland,	ay		Jones,	ay	
Lee,	ay		Few,	ay	
<i>North Carolina,</i>					
Mr. Williamson,	ay	} ay			
Blount,	ay				

So it was resolved in the affirmative.<sup>1</sup>

On motion of Mr. [John] Rutledge, seconded by Mr. [Edward] Telfair,

*Resolved*, That the minister plenipotentiary at the Court of Spain be instructed to forbear making any overtures to that Court, or entering into any stipulations in consequence of overtures which he has made.

*Ordered*, That the instructions passed yesterday be redrawn, so as to comprehend the above, which is to be inserted immediately before "in case," as follows:

*Resolved*, That the minister plenipotentiary of the United States at the Court of Spain be instructed to forbear making any overtures to that Court, or entering into any stipulations in consequence of overtures which he has made; and in case any propositions be made to him by the said Court for a treaty with the United States, to decline acceding to them until he shall have transmitted them to Congress for their approbation, unless the treaty proposed be of such a tenor as to render his accession thereto necessary to the fulfilment of the stipulation, on the part of the United States, contained

<sup>1</sup> From this point the proceedings for August 7 were entered only in the manuscript Secret Journal, Foreign Affairs, and in Secret Journal No. 4. A copy is in Secret Journal No. 6, Vol. III.

in the seperate and secret article of their treaty with his Most Christian Majesty.

*Resolved*, That Mr. Jay be at liberty to leave Spain and go into any other part of Europe whenever the state of his health may require it.<sup>1</sup>

#### THURSDAY, AUGUST 8, 1782

On the report of a committee, consisting of Mr. [Ezekiel] Cornell, Mr. [Abraham] Clark, and Mr. [Theodorick] Bland, appointed to hear the pretensions of Dominique L'Eclise and Joseph Traversie:

The Committee to whom was referred the report of the Secretary at War on the Petitions of Joseph Traversie and Dominique L'Eglise, beg leave to observe, that pursuant to an order of Congress of the 10<sup>th</sup> of November, 1780, the accounts of said Traversie were settled up to the 15<sup>th</sup> of the same month and the following warrants issued in his favor, viz.

One for 1602  $\frac{7}{10}$  &  $\frac{3}{8}$  dollars in bills of credit emitted under the act of Congress of the 18<sup>th</sup> of March, 1780, for his pay and subsistence; one for 66 Dollars specie, being for monies advanced; and one for 2580 dollars old emissions, the amount of his account for travelling expences, and cash advanced by him on public service.

That it does not appear said Traversie ever held any Commission under Congress, but being a Canadian was appointed a Captain by General Montgomery when in Canada, since which he hath frequently been employed on secret service to the Northward. On which as well as on account of his necessary exclusion from Canada by his attachment to our cause, the aforementioned allowances appear to have been granted. And as the same reasons yet exist, your Committee submit the following resolution:

<sup>1</sup> On this day, according to the indorsement, was read a letter of August 2, from the Secretary at War. It is in the *Papers of the Continental Congress*, No. 149, I, folio 537.

Also, a letter from General Washington, dated Head Quarters, August 3. It is in No. 152, X, folio 657.

Also, another letter from General Washington dated Head Quarters, August 3. It is on folio 661. It was referred to Mr. [John Morin] Scott, Mr. [Theodorick] Bland, Mr. [James] Madison.

*Resolved*, That the Superintendant of finance take order for paying Joseph Traversie one hundred dollars, in full for his services and support since the fifteenth day of November, 1780; and that he be allowed ten dollars per month in full for his support until the further order of Congress:

With respect to Dominique L'Eglise it appears that Congress on the 23<sup>rd</sup> of October 1778 in consideration of the suffering, and to enable him to discharge some debts which he had incurred granted him 635 Dollars, and resolved that he should be allowed 60 Dollars per month for pay and subsistence and one ration per day to continue during the pleasure of Congress. That it does not appear to your Committee, that the above pay and allowance hath been stopped by any Act of Congress,

*Whereupon Resolved*,

That the accounts of Dominique L'Eglise be settled up to this day, pursuant to the act of Congress of the 23 day of October, 1778, and agreeably to the scale of depreciation fixed for settling the value of continental currency; and that the Superintendant of finance take order for paying such a part of the said account as the said Dominique L'Eglise may appear to stand in immediate need of; and that in future the said L'Eglise be allowed ten dollars per month in full for his support until the further order of Congress.<sup>1</sup>

On the report of a committee, consisting of Mr. [Joseph] Montgomery, Mr. [Ezekiel] Cornell and Mr. [Theodorick] Bland, to whom was referred a letter of 6 from the Secretary at War:

*Resolved*, That it be recommended to the States of Pennsylvania and Virginia, immediately to draw out and order to Fort Pitt, each State one hundred and fifty men, properly officered and accoutred, to be under the orders of the commanding officer of that post, to enable the said officer ~~to form~~

<sup>1</sup> This report, in the writing of Abraham Clark, is in the *Papers of the Continental Congress*, No. 19, III, folio 529.

~~detached parties~~ more effectually to cover and protect the country:

That the Secretary at War and Superintendant of finance take order that proper magazines be laid up in the said fort, which may enable the commanding officer, in case the said post should be invested by the enemy, to render it tenable until relieved.<sup>1</sup>

A motion was made by Mr. [Jesse] Root, seconded by Mr. [Arthur] Lee,

“That a committee be appointed to revise and consider the instructions given to our ministers for negotiating a peace with Great Britain and report what alterations ought to be made therein.”

A motion was made by Mr. [James] Madison to postpone the consideration of the motion under debate to make way for a motion which he read in his place and explained by way of argument, and on the question for postponing, the yeas and nays being required by Mr. [Jesse] Root,

<i>New Hampshire,</i>		<i>New York,</i>	
Mr. Gilman,	no } *	Mr. Duane,	ay } ay
<i>Massachusetts,</i>		Scott,	ay }
Mr. Osgood,	no } no	<i>New Jersey,</i>	
Jackson,	no }	Mr. Conduct,	ay } ay
<i>Rhode Island,</i>		Witherspoon,	ay }
Mr. Cornell,	ay } ay	<i>Pennsylvania,</i>	
Howell,	ay }	Mr. Montgomery,	ay }
<i>Connecticut,</i>		Smith,	ay }
Mr. Root,	no }	Clymer,	ay }
Huntington,	ay }		
Dyer,	no }		

<sup>1</sup> This report, in the writing of Joseph Montgomery, is in the *Papers of the Continental Congress*, No. 27, folio 177. The Secretary at War's letter is in No. 149, I, folio 541.

From this point to the end of the day the proceedings were entered only in the More Secret Journal.

<i>Delaware,</i>			<i>South Carolina,</i>		
Mr. McKean,	ay	} ay	Mr. Rutledge,	no	} ay
Wharton,	ay		Ramsay,	ay	
<i>Maryland,</i>			Izard,	ay	
Mr. Hanson,	ay	} *	Middleton,	ay	
<i>Virginia,</i>			<i>Georgia,</i>		
Mr. Madison,	ay	} no	Mr. Telfair,	ay	} ay
Bland,	no		Jones,	ay	
Lee,	no		Few,	ay	
<i>North Carolina,</i>					
Mr. Williamson,	ay	} ay			
Blount,	ay				

So it was resolved in the affirmative.

A motion was then made by Mr. [James] Madison, seconded by Mr. [John] Witherspoon,

That a committee be appointed to take into consideration and report to Congress the most adviseable means of securing to the United States the several objects claimed by them and not included in their ultimatum of the 15 day of June, 1781.

A motion was then made by Mr. [John] Rutledge, seconded by Mr. [Eliphalet] Dyer, to postpone the consideration of this motion to make way for another which Mr. [John] Rutledge read in his place and explained by way of argument.

The question being put to postpone passed in the negative.

On the question to agree to Mr. [James] Madison's motion, the yeas and nays being required by Mr. [Edward] Telfair,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Gilman,	no	} *	Mr. Root,	ay	} ay
<i>Massachusetts,</i>			Huntington,	ay	
Mr. Osgood,	ay	} ay	Dyer,	ay	
Jackson,	ay		<i>New York,</i>		
<i>Rhode Island,</i>			Mr. Duane,	ay	} ay
Mr. Cornell,	no	} no	Scott,	ay	
Howell,	no				



<i>New Jersey,</i>			<i>North Carolina,</i>		
Mr. Condict,	no	} div.	Mr. Williamson,	ay	} ay
Witherspoon,	ay		Blount,	ay	
<i>Pennsylvania,</i>			<i>South Carolina,</i>		
Mr. Smith,	ay	} ay	Mr. Rutledge,	ay	} ay
Clymer,	ay		Ramsay,	ay	
<i>Delaware,</i>			Izard,	ay	
Mr. McKean,	ay	} ay	Middleton,	ay	
Wharton,	ay		<i>Georgia,</i>		
<i>Maryland,</i>			Mr. Telfair,	ay	} ay
Mr. Hanson,	ay	*	Jones,	ay	
<i>Virginia,</i>			Few,	ay	
Mr. Madison,	ay	} ay			
Bland,	ay				
Lee,	ay				

So it was resolved in the affirmative.

*Ordered,* That the committee consist of five.

The members chosen, Mr. [James] Madison, Mr. [James] Duane, Mr. [John] Rutledge, Mr. [Jonathan] Jackson, Mr. [John] Witherspoon.<sup>1</sup>

[FRIDAY, AUGUST 9, 1782.]

[Motion of Mr John Rutledge Passed Aug<sup>t</sup> 9, 1782.]

That the Secretary at War be furnished with an extract of such part of the letter from the Commander in Chief as relates to the enemy's ordering Troops from New York to Charles Town and that he (the Secretary at War) transmit such extract by expresses to the Governors of Maryland, Virginia, North Carolina, South Carolina and Georgia and also to Major General Greene or the Commander in Chief in the Southern Department.<sup>2</sup>

<sup>1</sup> On this day, according to the indorsement, was read a letter of August 7 from the Secretary at War. It is in the *Papers of the Continental Congress*, No. 149, I, folio 545.

<sup>2</sup> This motion, in the writing of John Rutledge, is in the *Papers of the Continental Congress*, No. 36, I, folio 363.

On this date was read a letter from General Washington, dated Head Quarters, August 5. It is in No. 152, X, folio 665. It was referred to Mr. [Arthur] Lee, Mr. [John] Witherspoon, Mr. [John] Rutledge. Committee Book No. 186 records that the business referred to Mr. [John] Lowell, Mr. [Ezekiel] Cornell and Mr. [James] Madison on the 29th of July, and to Mr. [John Morin] Scott, Mr. [Theodorick] Bland and Mr. [James] Madison on the 7th instant, was on this day referred to this Committee and the former committees discharged.













